

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF LANSING, MICHIGAN  
CITY COUNCIL CHAMBERS, 10TH FLOOR  
LANSING CITY HALL  
124 W. MICHIGAN AVENUE



AGENDA FOR AUGUST 22, 2016

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TO THE HON. MAYOR AND MEMBERS OF THE CITY COUNCIL:

The following items were listed on the agenda in the City Clerk's Office in accordance with Section 3-103(2) of the City Charter and will be ready for your consideration at the regular meeting of the City Council on Monday, August 22, 2016 at 7:00 p.m. at the Council Chambers, 10th Floor, City Hall.

- I. ROLL CALL
- II. MEDITATION AND PLEDGE OF ALLEGIANCE
- III. READING AND APPROVAL OF PRINTED COUNCIL PROCEEDINGS  
Approval of the Printed Council Proceedings of July 25, 2016
- IV. CONSIDERATION OF LATE ITEMS (Suspension of Council Rule #9 is needed to allow consideration of late items. Late items will be considered as part of the regular portion of the meeting to which they relate.)
- V. TABLED ITEMS
- VI. SPECIAL CEREMONIES
- VII. COMMENTS BY COUNCIL MEMBERS AND CITY CLERK
- VIII. COMMUNITY EVENT ANNOUNCEMENTS (Time, place, purpose, or definition of event – 1 minute limit)
- IX. SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS
- X. MAYOR'S COMMENTS
- XI. SHOW CAUSE HEARINGS
- XII. PUBLIC COMMENT ON LEGISLATIVE MATTERS (Legislative matters consist of the following items on the agenda: public hearings, resolutions, ordinances for introduction, and ordinances for passage. The public may comment for up to three minutes. Speakers must sign up on white form.)
  - A. SCHEDULED PUBLIC HEARINGS
    1. In consideration of Design Lansing Comprehensive Plan Amendment; 125 W. Malcom X; LBWL Central Substation Project

2. In consideration of SLU-3-2016; 125 W. Malcom X; LBWL Central Substation Project

XIII. COUNCIL CONSIDERATION OF LEGISLATIVE MATTERS

A. REFERRAL OF PUBLIC HEARINGS

B. CONSENT AGENDA

1. BY THE COMMITTEE ON GENERAL SERVICES

- a. Confirmation of Appointment of Summer Schriener; Neighborhood Representative; Downtown Lansing, Inc., Board; Term to Expire June 30, 2017
- b. Confirmation of Appointment of Christine Zarkovich; Business Representative; Downtown Lansing Inc., Board; Term to Expire June 30, 2018
- c. Claim Denial ( #1261); \$1,892.00 for trash and debris removal fees at property located at 1833 Osband Avenue
- d. Community Funding Request; Genesee Neighborhood Association/Tech T. LLC

2. BY THE COMMITTEE ON WAYS AND MEANS

- a. First Amendment to the Defined Contribution Plan

3. BY THE COMMITTEE OF THE WHOLE

- a. Support of HR 182 and CR 15 to Shut Down Oil Pipeline Line 5

C. RESOLUTIONS FOR ACTION

D. REPORTS FROM COUNCIL COMMITTEES

E. ORDINANCES FOR INTRODUCTION and Setting of Public Hearings

F. ORDINANCES FOR PASSAGE

XIV. SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

XV. REPORTS OF CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS  
**(Motion that all items be considered as being read in full and that the proper referrals be made by the President)**

A. REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS

1. Letter(s) from the City Clerk re:

- a. Minutes of Boards, Commissions, and Authorities placed on file in the Clerk's Office
- 2. Letter(s) from the Mayor re:
  - a. Maguire Park Parking Lot Expansion TAP Grant Support Resolution
  - b. Act-4-2016, 1200 Block of Turner Street - Alley Vacation
- B. COMMUNICATIONS AND PETITIONS, AND OTHER CITY RELATED MATTERS
  - 1. Request of Approval of the Office of Community Corrections Funding Application
  - 2. Notice from the Michigan Liquor Control Commission regarding:
    - a. Transfer Ownership of Class C License and new SDM license; Cur, L.L.C., 637 East Michigan Avenue
    - b. New Class C Non-Transferable License Issued, Downtown Development Authority License for Urbanbeat Event Center, Inc., 1217 Turner Street

XVI. MOTION OF EXCUSED ABSENCE

XVII. REMARKS BY COUNCIL MEMBERS

XVIII. REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

XIX. PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS (City government related matters are issues or topics relevant to the operation or governance of the city. The public may comment for up to three minutes. Speakers must sign up on yellow form.)

XX. ADJOURNMENT



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**CHRIS SWOPE, CITY CLERK**

Persons with disabilities who need an accommodation to fully participate in this meeting should contact the City Clerk's Office at (517) 483-4131 (TDD (517) 483-4479). 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

CITY OF LANSING  
NOTICE OF PUBLIC HEARING

**SLU-3-2016, 125 W. Malcolm X Street**  
Special Land Use Permit – Public Utility

The Lansing City Council will hold a public hearing on Monday, August 22, 2016, at 7:00 p.m. in Council Chambers, 10<sup>th</sup> Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider SLU-3-2016. This is a request by the Lansing Board of Water & Light for a Special Land Use permit to construct the power substation at 125 W. Malcolm X Street. The subject property is zoned “C” & “DM-4” Residential, which districts permit “a structure which is owned or operated by a public utility”, if a Special Land Use permit is approved by the Lansing City Council.

For more information, please call Lansing City Council at 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., Monday, August 22, 2016 at the City Clerk’s Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email [city.clerk@lansingmi.gov](mailto:city.clerk@lansingmi.gov).

Chris Swope, City Clerk

**[www.lansingmi.gov/Clerk](http://www.lansingmi.gov/Clerk)**

**[www.facebook.com/LansingClerkSwope](https://www.facebook.com/LansingClerkSwope)**

**GENERAL INFORMATION**

APPLICANT: Board of Water & Light (LBWL)  
1201 S. Washington Avenue  
Lansing, MI 48910

OWNER: City of Lansing  
124 W. Michigan Avenue  
Lansing, MI 48933

REQUESTED ACTIONS: **Comprehensive Plan Amendment** – Change future land use designation of the east, approximately 4 acres of the property at 125 W. Malcolm X from “Open Space - Dedicated Park” to “Open Space - Quasi-Public/Utility” for the purpose of allowing the property to be used for an LBWL power substation.

**Act-7-2016:** Authorization of a new LBWL power substation on the City owned property at 125 W. Malcolm X Street, in accordance with the location, character, and extent criteria set forth in Act 33.

**SLU-3-2016:** Special Land Use permit to authorize the construction of an LBWL power substation at 125 W. Malcolm X Street. The subject property is zoned “C” & “DM-4” Residential, which districts permit “a structure which is owned or operated by a public utility”, if a Special Land Use permit is approved by the Lansing City Council.

EXISTING LAND USE: Scott Park

EXISTING ZONING: “DM-4” & “C” Residential Districts

PROPERTY SIZE & SHAPE: Approximately 4 acres

SURROUNDING LAND USE: N: I-496, Office, Residential  
S: Multi-Family Residential, GM Parking  
E: Vacant  
W: Cooley Gardens, Women’s Historical Center, GM

SURROUNDING ZONING: N: “F” Commercial, “D-1” Professional Office & “DM-4” Residential Districts  
S: “DM-4” Residential & “J” Parking Districts  
E: “DM-4” Residential District  
W: “A” Residential, “C” Residential, “T” Heavy Industrial Districts

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**AGENCY RESPONSES:**

## Board of Water and Light:

- BWL has an existing underground steam main and easement traversing north to south through the property, this easement needs to be retained.
- BWL has an existing overhead electric transmission line traversing north to south through the property, this easement needs to be retained.
- BWL has existing electric and water facilities on the property that will need to be removed and/or relocated depending on the final site plan.
- The Central Substation will serve electric utility service to the majority of the Downtown Lansing area, including major commercial, municipal, state and hospital customers.

## Building Safety:

Regarding Agency Referral - BWL Substation - 125 W. Malcom X (Scott Park), the building safety office would require plan review and building permits not covered by code section 105.2.3, MBC 2012. Other buildings, additions, alterations, platforms, stairs, etc. that would be governed by the Michigan Building Code would require plan review and building permits showing compliance with the codes adopted by the State of Michigan including accessibility.

Section 105.2.3 Public Service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established rights.

## Development:

The project will benefit economic development in the City by providing stable electrical power to the downtown, and will also create an appealing entrance to the Reotown area and neighborhoods and a desirable walking pathway along the river. The Development Office will assist in any way it can.

## Parks &amp; Recreation:

The Parks & Recreation Board has recommended approval of the project.

## Public Service:

- Williams Street from Townsend to the Grand River was vacated per court order on 7-12-1929 (Liber 321 Page 136). Public Service does not have a copy of the deed. It is assumed that a utility casement was reserved due to 66" storm sewer located in it.
- There is a 66" storm sewer that is located in vacated

Williams Street, which is along the south side of the proposed development.

- There is a 12" storm sewer that shares the headwall with the 66". This storm sewer services the existing parking lot.
- There is a sanitary lead for the structure on the southwest corner of the property.
- The Michigan Women's Historical Center is located on a separate parcel owned by the City of Lansing. The sanitary sewer in Malcolm X was abandoned when I-496 was constructed. It is likely that the sanitary lead for this property discharges to the south and shares a lead with the structure in the southwest corner of the Cooley Gardens property. This will need to be verified. If the lead is shared, a separate sanitary lead will be required. If the sanitary service discharges to the south, an easement/agreement will be needed to protect the sanitary lead.
- It is not known where the sanitary service for 125 W. Malcolm X discharges. It should discharge to 12" sanitary sewer in Malcom X.
- The sidewalk on Malcom X is in poor condition. Based on a visual inspection, the sidewalk was damaged by the BWL performing utility work. It should be replaced.
- The City has applied to MDOT for preventative maintenance for the Washington Avenue bridge. The application is for an epoxy overlay, expansion joint replacement, and selected structure painting. The proposed plan for the substation includes pedestrian access to the River Trail on the north and south side of the bridge. If the bridge application is approved, the River Trail accesses should be coordinated with that work.
- All adjoining streets are City of Lansing major streets.
- City of Lansing storm sewer is available to the substation in Washington and in Malcolm X.
- Sanitary sewer is available to the substation in Malcolm X.

Transportation:

The Transportation and Non-Motorized section has reviewed the request and we don't have any comments or requirements related to the three requests. We will be interested, however, in any changes to access and traffic characteristics that would result from the proposed substation. These can be addressed during the site plan approval process.

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**DESIGN LANSING COMPREHENSIVE PLAN AMENDMENT #1****PROPOSAL:**

The City is initiating an amendment to the Design Lansing Future Land Use Plan to change the future land use designation of the east, approximately 4 acres of the Scott Park property at the SW Corner of Washington Ave. and Malcom X Street (125 W. Malcolm X Street), from “Open Space - Dedicated Park” to “Open Space – Quasi-Public / Utility”. This purpose of the amendment is to permit the construction of a \$26,000,000 Board of Water and Light substation on the eastern portion of the site, with park improvements to the remaining open space. The following are specific components of the Board of Water & Light’s proposal:

- The substation will be encircled with a masonry wall featuring public art and displays.
- A walkway which will provide public pedestrian access from Washington Avenue to Townsend Street will be constructed along the south wall of the substation, north of the Grand River.
- The Sunken Garden will be relocated near Cooley Gardens, a more prominent location within the park, and made accessible in compliance with the Americans with Disabilities Act (ADA).
- ADA access will be provided to Cooley Gardens, which will remain otherwise undisturbed.
- The parking lot will be relocated.
- The Scott Center will be relocated off-site, portions offered for salvage, or demolished.
- The Women’s Historical Museum will be unaffected.

**RATIONALE:**

The Scott Park proposal is a component of LBWL’s Lansing Energy Tomorrow initiative, which includes the Integrated Resources Plan (IRP) process that will specify how the BWL will replace the Eckert Power Station, 1950s era-coal fired plant that will close by 2020, and prepare for the Clean Power Plan, EPA’s regulations for reducing greenhouse gas emissions. The IRP process will be based on consideration of costs to customers, ensuring a reliable energy source for the region, environmental stewardship, managing future uncertainty and risks, federal regulations, local-generation capacity, and economic development. The Central Substation is the first step in allowing the retirement of the Eckert plant generation.

The Eckert plant serves downtown Lansing, General Motors and Sparrow Hospital. Eckert’s distribution circuits feeding downtown are located in underground ducts that are failing, and Eckert can’t be removed from service without new generation or transmission infrastructure. LBWL’s Lansing Energy Tomorrow Plan, unveiled in May, 2015 also includes the five-year, \$101 million Transmission & Distribution Improvement Project, which is already underway. The Central Substation is an integral part of this improvement project.



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**ALTERNATIVES CONSIDERED:**

Eight alternatives were considered:

- The vacant GM office building on Townsend. Unavailable for purchase.
- GM property southwest of and adjacent to Cooley Gardens. Unavailable for purchase.
- Residential property north of South Street. Would remove several properties from the tax roll and would result in the displacement of several residents that occupy houses in the area.
- 100 Block of W. South Street, behind businesses along the west side of S. Washington's 1200 block. The site is too small to accommodate the substation. Would also involve eliminating parking used by businesses in the area.
- The Seventh Day Adventist property on the NE corner of Walnut and St. Joe - across I-496. The site is too small to accommodate the substation.
- Deluxe Inn Site – the site is too small and is under contract for private development.
- Eckert Substation site - located in the floodplain, with deteriorating underground conduits beneath railroad tracks. Utilizing the Eckert site for this purpose would increase the cost of the new substation by \$13,000,000, and delay the closing down of the coal-fired plant 7 years. The estimated cost to place the new substation at this location is \$38,500,000. While BWL already owns the site, it is in the 100 year flood plain and would require raising the elevation of the substation area above the base flood elevation. Additionally the site is adjacent to active railroad tracks and would require a protective wall to be built for potential train derailments. Distribution lines would need to be rebuilt under the railroad and moved out to Townsend St. north to Williams St. where it intersects the existing duct banks.
- Underground – an underground substation would cost \$45.6 million, plus \$5-10 million for burying the transmission lines.

**Historical Significance:**

The Lansing park system includes three National Register properties: the Turner-Dodge Mansion, the Moores Park Natatorium, and Reutter Park. LBWL has one National Register property: the newly-restored Depot building on S. Washington Ave. Neither the Scott Center nor the Sunken Garden are listed on the National Register of Historic Places or located in local Historic Districts.

The Scott Center is available to be relocated off-site and restored. An RFP (request for proposals) process is being utilized to find a qualified buyer for the Center and the Board of Water & Light will provide up to \$100,000 for relocation costs.

The Sunken Garden will be relocated to a prominent, ADA accessible location within the park as part of this project. LBWL staff is working with the Garden Club of Greater Lansing on plans to maintain and safeguard the vegetation in preparation for this relocation. LBWL will also establish a \$40,000 endowment for the maintenance of the Garden.

**Land Sale:**

The City of Lansing is the current and future owner of the subject Property. The Lansing City Charter Section 8-402.6 states: “No park, recreation, cemetery, or waterfront land may be sold without the approval, by a majority vote, of the electors of the City voting on the question at a regular or special election”. Both LBWL and the Parks and Recreation Department are divisions of the City of Lansing in accordance with the Lansing City Charter.

This is not a land sale – title to the property is and will continue to be vested in the City of Lansing. There are no deed restrictions that would prevent the substation project and the City Charter does not require a vote of the people for this project as the property will remain under the control and ownership of the City.

### **Community Outreach and Involvement:**

LBWL officials have met with members of the public more than a dozen times:

- LBWL Board of Commissioners Meeting
- Community Design Charrette
- Parks Board – 3 meetings.
- Planning Board – 2 meetings, including the May 17 public hearing.
- ReoTown Commercial Association – 4 meetings. LBWL, which is a member of the Association, also agreed to make a \$20,000 contribution every three years for the life of the project to rotate public art displays on the west wall of the substation.
- Garden Club – 2 meetings.
- Preservation Lansing – 1 meeting.
- Council Committee on Development and Planning (D&P) – 1 meeting.

Future public meetings include three with City Council, two with the City Council Committee on Development & Planning, and one with the Board of Zoning Appeals.

### **Park Utilization:**

According to data from the Parks reservation program for rentals from May, 2011 to May, 2016 (based on information provided by the customer at the time of reservation):

- The Cooley Gardens Pavilion had 87 rentals (including 4 for 2016), for an estimated head count of 6,043,
- Sunken Gardens had 23 rentals (including 2 for 2016) and an estimated 918 attendance,
- The Scott Center Center has not been used for over 10 years so there are no numbers available.

The Cooley Gardens Pavilion gets more than six times the use of the Sunken Garden. Relocating the Sunken Garden to a prominent location adjacent to Cooley Gardens and making Americans with Disability Act and parking improvements as proposed may increase the visits to the Sunken Garden and enhance its benefit to the public.

**Parks Board Action:**

At its meeting on April 13, 2016, the Parks Board voted to recommend that:

- The eastern portion of the Scott Park property be repurposed for Board of Water and Light (LBWL) purposes as set forth herein,
- The inventory of dedicated parkland be amended by removing up to 4 acres of the Property from Scott Park, and
- The Lansing Board of Water and Light prioritize recreational opportunities in the southeast corner of the substation site, subject to operational restraints.

**ACT 33 REVIEW**

This review is being conducted pursuant to the requirements of the Michigan Planning Act (P.A. 33 of 2008), Section 61, which requires an evaluation of the location, character and extent of a public building prior to authorizing its construction:

**Location:**

The project is located at the SW corner of S. Washington Ave. and at a key location:

- Entrance to ReoTown,
- Just south of I-496 freeway,
- In close proximity to key electrical infrastructure (cable ducts, transmission lines).

After a thorough site selection process (see above) LBWL determined that Scott Park is the most suitable site.

**Character:**

The project would introduce an urban, artistic and enhanced recreational feel to the site. Although a significant portion of the current Scott Park will be used solely for the substation, the public will benefit from several improvements to the remainder of the site, including a covered riverwalk on the north side of the Grand River, public art, viewing platforms, and ADA access to both Cooley Gardens and the Sunken Garden (as relocated). NOTE: Both facilities have “grandfather” status and lack ADA access at this time.

**Extent:**

Analysis of the extent of a proposal evaluates whether the level or magnitude of the proposed request is appropriate and in relation to the intended land use pattern, public facilities, and services in the area.

The project is designed to be as compact as possible so as to minimize its impact on the Park. The substation facility is expected to serve the entire downtown area, including Sparrow Hospital, LCC, the Accident Fund, the City of Lansing, and the State of Michigan.

**Findings:**

Based on a review of the location, character, and extent of the proposal, staff recommends the following finding:

- LBWL is phasing out the Eckert Power Station due to the obsolescence of the facility and anticipated regulatory changes.
- LBWL and City staff have conducted a thorough search for an appropriate location for the substation.
- Due to the Eckert Station's location within the 100 year floodplain, the extreme rain events in recent years, increasing flood risks, and increasing uncertainty of our weather conditions, the Eckert Station site is not considered a viable option.
- The subject property is the most appropriate location for a substation to serve LBWL's customers in the downtown area, including LCC, the Accident Fund and Sparrow Hospital, with the impending decommissioning of the Eckert Power Station.
- The proposed project will include several amenities to benefit the public including pathways, public art, viewing platforms and ADA access to both Cooley Gardens and the relocated Sunken Garden.
- The proposed substation will be designed to minimize its adverse impact on the remainder of the site.
- The substation is designed for reliability and to meet the current and future needs of downtown Lansing, including its major employers.
- The property known as Scott Park was acquired from General Motors, not donated to the City by the Scott estate for park purposes.
- LBWL has been respectful of Scott Park's features, and has proposed to:
  - contribute \$100,000 to the relocation of the Scott Center building,
  - relocate the Sunken Garden "brick by brick, stone by stone, and plant by plant," and contribute \$40,000 to endowment to its perpetual care.
- A vote of the electors is neither required nor appropriate to approve this Plan amendment and Special Land Use permit.

### **SPECIAL LAND USE PERMIT**

**Section 1282.03(f)(1)-(2) sets forth the criteria which must be used to evaluate a Special Land Use permit request. The criteria and evaluation are as follows.**

- 1. Is the proposed special land use designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area?**

The proposed substation will be designed to be compatible with the surrounding area. The proposed site will be attractive and provide for an inviting and engaging entrance to Reo Town. The project includes significant enhancements to the site for public use such as pathways, access to the Lansing River Trail, a viewing platform, and ADA access to the relocated Sunken Garden.

The proposed power substation will not generate noise, odors, vibrations or other nuisances that would negatively impact the surrounding area. In addition, the substation will generate very little traffic by the LBWL and will allow the new parking lot to be available to the public for use of the amenities in the Park.

With respect to the layout of the site, the substation will be located at the front property lines along both Malcolm X Street and S. Washington Avenue. The majority of the site is in the Reo Town Overlay district which mandates this type of layout. In fact, any newly constructed building within the Reo Town Overlay District would have to be built at the front property lines.

**2. Will the proposed special land use change the essential character of the surrounding area?**

The site is surrounded by a freeway to the north, a vacant site to the east, additional City property to the west, a river and a multiple-family residential building to the south. Given the diverse land use pattern that already exists in the area, the proposed substation will not change this essential “character”. The proposed project will be designed to create an appealing and engaging entrance to Reo Town as the site will provide certain amenities such as pathways, an accessible Sunken Garden, a viewing platform, art, etc., for the public to enjoy.

**3. Will the proposed special land use interfere with the enjoyment of adjacent property?**

The proposed power substation will not interfere with the enjoyment of adjacent properties. The subject property is surrounded by I-496 to the north, the Grand River to the south, a vacant site to the east and City property to the west. The proposed substation will have no negative impacts on Cooley Gardens or the Women’s Historical Museum on the remainder of the City property to the west.

**4. Will the proposed special land use represent an improvement to the use or character of property under consideration and the surrounding area in general, and will the use be in keeping with the natural environment of the lot?**

- The Scott Center is a vacant building that has not been used for more than 10 years and is in a state of deterioration. The project includes a \$100,000 subsidy for the relocation of the Scott Center by a qualified buyer for a use that is more appropriate to the building’s design.
- The Sunken Garden has limited visibility from beyond the property lines and prior to this project, most residents likely were not even aware that it exists. The project includes the relocation of the Sunken Garden in close proximity to Cooley Gardens, improved visibility, ADA accessibility, and a relocated parking lot to serve them both. Moreover, the project includes an LBWL pledge to establish a \$40,000 endowment for the Sunken Garden.

- The substation will be encircled with a masonry wall featuring public art and displays to create an attractive entrance to Reo Town.
- The project also includes a viewing platform above the Grand River, a new walkway from Washington to Townsend, a new pathway from Capitol Avenue connecting to Cooley Gardens and the new walkway, a new staircase connecting the rivertrail to Washington Avenue and new landscaping, signage and a new parking lot.

The proposed substation will have no more of an impact on the natural environment of the lot than any other development of the property. The development will be required to go through administrative site plan review to ensure that it is in full compliance with all applicable City ordinances.

**5. Will the proposed special land use be hazardous to adjacent property or involve uses, activities, materials or equipment which are detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare?**

The power substation will not generate any nuisances or hazardous conditions. In fact, the proposed substation is a component of BWL's "Energy Tomorrow" initiative to provide reliable, affordable and clean energy to its customers. This includes the "Integrated Resources Plan" process that will specify how the BWL will replace the Eckert Power Station, a 1950s era-coal fired plant that will close by 2020, and prepare for the Clean Power Plan, EPA's regulations for reducing greenhouse gas emissions. The IRP process will be based on consideration of costs to customers, ensuring a reliable energy source for the region, environmental stewardship, managing future uncertainty and risks, federal regulations, local-generation capacity, and economic development.

EMF (Electric and Magnetic Fields) measurements at the fence line of substation sites similar to the proposed Central Substation and under the transmission line that transverses Scott Park are equal to typical levels found in most kitchens. Magnetic fields decrease significantly as the distance increases. Studies conducted by such agencies as the EPA, have been inconclusive as to if they have any effect.

**6. Will the proposed special land use be adequately served by essential public facilities and services, or is it demonstrated that the person responsible for the proposed special land use is able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration?**

The subject property will be served by all necessary public services and utilities.

**7. Will the proposed special land use place demand on public services and facilities in excess of current capacity?**

The proposed substation use is not expected to increase the demand on public services and facilities in excess of current capacity.

**8. Is the proposed special land use consistent with the intent and purpose of this Zoning Code and the objectives of any currently adopted Comprehensive Plan?**

The Design Lansing Comprehensive Plan currently designates the subject property as “Open Space -Dedicated Park”. When the Design Lansing Comprehensive Plan was originally developed, no other use for the subject property beyond its current use was even contemplated. An amendment to the *Design Lansing* Comprehensive Plan that would change the future land use designation of the eastern, approximately 4 acres of the subject property to “Open Space – Quasi-Public/Utility” is currently being considered. This amendment would be the appropriate land use designation for the proposed substation and is recommended for approval by the Planning Office.

**9. Will the proposed special land use meet the dimensional requirements of the district in which the property is located?**

The east 250 feet of the subject property is zoned “DM-4” Residential and is located within the Reo Town Overlay district.

The remainder of the subject property is zoned “C” Residential. Both zoning districts permit “a structure which is owned or operated by a public utility”, if a special land use permit is approved by the Lansing City Council.

The majority of the proposed substation will be located within the area of the site that is in the Overlay district which has no setback, lot coverage or parking requirements and allows a maximum building height of 40 feet. The west, approximately 1/3 of the proposed substation is located within the area of the site that is zoned “C” Residential and is not within the Overlay district. The “C” Residential district requires a 50 foot front yard setback, a 30 foot rear yard setback, a maximum lot coverage of 40% by structures and 60% total lot coverage, a parking requirement of 2 spaces for each employee within the largest shift and a 35 foot building height limitation. Based on a review of the preliminary plans for the substation, a variance to the building setback requirement from the front property line along W. Malcolm X Street will be required. This will be supported by the Planning Office staff as it would be more appropriate and desirable, from a planning standpoint, to have the building located at or very near the front property line along both streets. It will also allow the building to have a consistent setback as it crosses the 2 zoning districts on the site.

### **RECOMMENDATIONS**

Staff recommends approval of the following requests:

**Design Lansing Comprehensive Plan Amendment #1:** An amendment to the Design Lansing Future Land Use Plan to change the future land use designation of the eastern portion of Scott Park from “Open Space -Dedicated Park” to “Open Space – Quasi-Public / Utility” as proposed. This would affect approximately four acres, particularly described as:

Lots 13 thru 17 inclusive except the Easterly 4 feet of Lot 13 and the Westerly 33 feet of Lot 17, ALSO except an area of land lying between the water's edge of the Grand River and a line 25 feet Northerly thereof, all in Block 177 of the Original Plat of the Town of Michigan now the City of Lansing, as recorded in plats, Ingham County Records, Ingham County, Michigan.

**Act-7-2016:** Authorization of the construction of a Board of Water & Light Central Substation on the east, approximately 4 acres of the property at 125 W. Malcolm X Street, based on a review of the location, character and extent of the project as outlined in this staff report.

**SLU-3-2016:** A special land use permit to allow a Board of Water & Light power substation on the east, approximately 4 acres of the property at 125 W. Malcolm X Street, based on a finding that the proposal complies with all of the criteria of Section 1282.03(f)(1)-(9) of the Zoning Code for evaluating Special Land Use permits.

**Respectfully Submitted,**

**Bill Rieske**  
**Assistant Planning Manager**

**Susan Stachowiak**  
**Zoning Administrator**





### **BWL Central Substation Project**

The BWL Central Substation is vital to providing reliable power to the downtown Lansing area into the future. It is essential that the Central Substation be located in close proximity to the underground circuits that serve downtown customers so as to avoid relocating those circuits at a cost of \$4,000 per linear foot. After an exhaustive search that included eight other sites conforming to this criteria, the BWL concluded the City of Lansing's Scott Park site is the only viable location for this project. The other locations considered were either too small, too disruptive to neighborhoods, too far from the underground circuits resulting in excessive cost, or no longer available due to pending real estate sale agreements or property owners who were not willing to sell.

Locating the Central Substation at the Eckert Power Station site, which is in a 100 year floodplain, is no longer a viable option. Ronda Oberlin of the Lansing Office of Emergency Management, who appeared before the Planning Commission on May 17, summarized her testimony in the following:

*"Our weather patterns have become increasingly erratic. In the past five years there have been three extreme rain events. The smallest of these, but the only one to occur near one of our rivers, was in August 2015. It resulted in the Grand River rising almost five feet in three hours. Rising an inch an hour was considered unlikely for the Grand River 10 years ago. The decommissioning of Eckert Station also increases the chance of ice jam flooding, which was a problem on the Grand River before Eckert was built."*

*"Removing critical infrastructure from the floodplain is cited as a priority in the City's Hazard Mitigation Plan. The critical infrastructure that is there now was built before flood risk was understood. In light of what we now know about our flood risk, and the increasing uncertainty of our weather, it would be irresponsible to put any additional critical infrastructure in the floodplain and therefore I could not support locating the new substation at the Eckert location."*

Based upon Ms. Oberlin's statement the BWL no longer believes locating the proposed substation at the current Eckert site will qualify for a floodplain permit by the DEQ, other governing agencies or emergency response units. In the unlikely event a permit were approved for the Eckert site, it would place in jeopardy critical infrastructure that thousands of people rely upon for electric use, which is basically the entire City of Lansing downtown service district. This would have a major impact on the health, safety and welfare of our citizens and customers including major employers, community colleges, state and city government, and the hospital as well as our primary retail district relative to floods, ice dams and floating debris.

The BWL previously said that placing the Central Substation at the Eckert location would create an additional \$42 million in costs – an extra \$12 million to build on the site to mitigate its location in a flood zone by elevating the substation above the flood zone and \$30 million to keep the Eckert Station operational with new equipment for another seven years beyond its targeted closing date of 2020. It would also take the Eckert Power Station off the market for future economic development, similar to the successful repurposing of the former Ottawa Power Station by the Accident Fund.

Future commercial development repurposing the Eckert facility is possible. The existing substation would be replaced with a relatively flat parking lot to serve the proposed commercial development. This design would inconvenience significantly fewer people compared to building a new substation in this location. In the event of a flood the generally flat parking lot with very few vertical obstructions becomes much more likely to be permitted than the earth fill, walls and/or vertical structures required or associated with a substation. Should a flood occur relative to a commercial development it would only impact the parking lot and vehicles located on it. In fact, this flatter surface would help mitigate a flood better than a substation-hardened site because such a site would require the substation to have to be built up higher to get it above the floodplain and the fast moving river water thereby forcing the water to flood elsewhere.

Building the Central Substation, which would replace the Eckert Substation next to the Eckert Power Station, on the Scott Park Site is the first step in allowing the BWL to retire the Eckert Power Station on January 1, 2020. If building the Central Substation at Scott Park is not approved, the BWL will have to invest millions of dollars to keep the Eckert Power Station operational for another seven years from 2020 through 2026 and this will require more than 355,000 tons of coal per year (based on 2015 consumption) and corresponding emissions of 706.8 tons per year of NOx (oxides of nitrogen) and 1,525.3 tons per year of SO2 (sulfur dioxide). By example, one year's consumption of 355,000 tons of coal would fill 3,052 rail cars, which when linked together, would create a train that's 28 miles long. That's the distance from the State Capitol Building in Lansing using Michigan and Grand River avenues to just past Fowlerville. Keeping the Eckert Power Station operational for an additional seven years would consume 2,485,000 tons of coal and fill 21,364 rail cars creating a train that's 196 miles, the distance from the State Capitol Building to Ft. Wayne, Indiana. Building the Central Substation at the Scott Park location will alleviate use of this amount of coal, and will result in mid-Michigan having cleaner air.

The BWL process has been open, transparent and communicative, responding to the community and ratepayers in more than a dozen meetings with stakeholders, including:

- Holding a public design charrette for the substation exterior
- Meeting with Preservation Lansing, in which the BWL agreed to Preservation Lansing's proposal pay up to \$100,000 to move the Scott Center House (Jenison House) to a new location, should a qualified buyer be identified through the City of Lansing's RFP to sell the building. The BWL's commitment was included in the City's RFP.
  - The BWL, City of Lansing and Habitat for Humanity Capital Region in May announced a partnership to save the Scott Center House from demolition and relocate it to a vacant lot approximately one mile away. In addition to paying to move the house, the BWL will earmark to Habitat any of the unspent moving cost balance for site preparation and to jump-start the restoration of the house.
- The BWL continues to work with members of the Garden Club of Greater Lansing in moving the sunken garden.
  - BWL will accommodate the Garden Club's request to transplant perennials. BWL will relocate the Sunken Garden to the west of the Scott House and adjacent to Cooley Gardens where maintenance for both gardens will be more accessible and convenient making the new site ADA compliant.
  - BWL will preserve and reassemble the distinctive "niche" and small pond that's referred to as the "grotto," which is the most prominent feature of the garden along with the circular stairs on the west side of the garden's axis. The remaining garden walls, which were made of limestone quarried from Ohio, will be reconstructed with the same shape and size limestone if the existing walls prove to be too costly to reassemble. Approximately 40 color slate stones at the west entry will also be carefully moved and reassembled so that everything looks identical to the original. This will preserve the integrity of the garden and it will look the same as it does now only in a more prominent location, with commanding views overlooking the Grand River.
  - BWL will establish a \$40,000 endowment that would provide resources to help maintain the garden, for such expenses as a gardener. This fund would accept contributions from the community in order for garden support to continue in the future.
- The BWL and REO Town Commercial Association (RTCA) have agreed to an RFP process that will review proposals for public art to be placed along the Washington Ave. substation wall. The BWL will support the public art process by funding winning proposals up to \$20,000 every three years. The RFP public arts review team will include representatives of the BWL, City of Lansing, RTCA and the Arts Council of Greater Lansing.

The Central Substation Project has been involved in a very democratic process as it is accountable to four public bodies which represent our citizens and ratepayers: BWL Board of Commissioners, Parks & Recreation Board, Planning Board and City Council. The City Charter does not provide for public vote to amend the Master Plan and change the use of Scott Park for utility purposes because the BWL is a city agency and city agencies cannot own land. The proposal to locate the Central Substation at Scott Park does not constitute a sale because no money is exchanging hands. The City of Lansing will continue to own the land.

The Office of the City Attorney wrote the following opinion:

**1. Does the proposed grant of a special land use permit to the Board of Water and Light for the use of City-owned property known as Scott Park constitute a sale of the land that would require a vote of the electorate?**

*No. As a general precept Boards of the City do not own land. While the Board of Water and Light is an administrative board and has been delegated executive and policymaking responsibilities necessary to the proper operation of the agency (5.102.1), the Charter specifically states, "The Board shall have the power to acquire property in the name of the City for purposes of the Board of Water and Light." (5-203.2). Therefore, the granting of a special use permit to the Board of Water and Light is not a sale of property by the City as contemplated by the Charter to require the vote of the electorate.*

**2. Does the Lansing City Council have the legal authority to place an advisory question on the ballot concerning the granting of the special land use permit or any other aspect of the proposed use of the property by the Board of Water and Light?**

*No. Pursuant to the Charter, the Home Rule City Act, Attorney General Opinion 6383, and case law, an advisory ballot proposal, as suggested above, is not authorized, and would be ultra vires or outside the authority granted to Council.*

The proposed Central Substation at Scott Park will create several new recreational uses and provide greater access and visibility to the renovated park site, including: a new parking lot for park visitors with easy access off Malcolm X Blvd, two river viewing stations and fishing platform along the Grand River; a new river walkway along the north bank of the Grand River and other newly created accessible (ADA) walkways within Scott Park, a staircase allowing pedestrians to access the existing River Trail on the south bank of the Grand River from Washington Avenue, new seating, lawn areas / landscaping and; greater synergy between the Scott Sunken Garden and the Cooley Garden due to its new location. These new park improvements will take a hidden gem and breathe new life into these otherwise forgotten park facilities and allow them to be viewed by the public with beautiful descending views of not only the Sunken Garden, which will remain sunken but visible, but also of the Grand River some 35 feet below the relocated gardens. The BWL will spend \$4 million on the decorative walls to screen the electrical substation, and recreational and new or improved park amenities for all citizens and ratepayers to enjoy, and turn an underutilized park site into a new recreational and electrical gem that will provide consistent and reliable power to our customers for years to come and to keep our rates low and competitive.



For Immediate Release  
Monday, February 8, 2016  
Contact: BWL Media Line  
517-342-1026

### **BWL Announces New Substation Project**

*Innovative design to capture area's history and to link downtown Lansing with REO Town*

As part of its plan to replace the Eckert Power Station and adjoining Eckert Substation in order to continue providing affordable and reliable power, the Lansing Board of Water & Light announced today that it will build a new substation at the corner of S. Washington Ave. and W. Malcolm X St.

The \$26 million Central Substation project will be located on a four acre portion of Scott Park and incorporates a unique exterior design that creates a link between downtown Lansing and REO Town, increases access to Cooley Gardens and enhances other recreational activities at the site. The new substation will create approximately 75 construction jobs when it is expected to begin this fall.

The innovative project will create several new recreational uses, including: viewing and fishing platforms along the Grand River; a walkway from Washington Ave. to Townsend St.; loop trails connecting existing pedestrian system to proposed walkways; new pathway from Capital Ave. connecting to Cooley Gardens; new staircase connecting the River Trail to Washington Ave.; and wayfinding signs on Malcolm X, Washington Ave. and Townsend St. It will also replace existing parking lots in poor condition with new lots, design new landscape for the park renovation and add decorative wall panels on the Central Substation.

"The BWL made an exhaustive search of potential sites to locate our new Central Substation," said General Manager Dick Peffley. "The Scott Park site not only is the most cost efficient, it is located near Eckert's electric distribution lines that will provide power and reliable service for the downtown Lansing area for years to come." Peffley also said the BWL researched substation designs across the United States to act as a foundation for the new design in Lansing, which conceptually incorporates REO Town's automotive history and the spirit of Michigan's capitol.

Peffley said the Central Substation is part of Lansing Energy Tomorrow, the BWL's major electric modernization program to replace and upgrade aging infrastructure with clean, efficient and reliable generation and transmission assets. In addition to determining how to replace Eckert, Lansing Energy Tomorrow includes an extensive five-year, \$101 million Transmission & Distribution (T & D) Improvement Project that is already underway which includes: new

transmission lines; five new or rebuilt substations; reducing the number of circuits and the amount of customer demand at the Eckert substation, and; adding capacitor banks at strategic points on the BWL's transmission system

With its three tall towers that are visible for miles, Eckert and its substation are located along the Grand River just south of downtown Lansing. They are at the end of their operational life, and keeping them open is not an option: parts are becoming scarce and very expensive; pending environmental regulations create an uncertain future for coal-fired plants like Eckert; increased operational costs on aging units; and Eckert is located in a flood zone.

"REO Town has been transformed with BWL's \$182 million cogeneration plant and headquarters project, along with the City of Lansing's \$2.84 million Streetscape project that revitalized the Washington Ave. corridor," said Lansing Mayor Virg Bernero. "The BWL has stepped up again in an innovative project that not only will provide for reliable power, but creates a unique gateway between downtown and REO Town, increases recreational opportunities and makes the nearby vacant Deluxe Inn property more attractive for development."

Mayor Bernero said the BWL will hold a design charrette on Tuesday, February 23 from 6 7:30pm at the REO Town Depot, 1201 S. Washington Ave., to allow input from community members on the final design of the substation's exterior walls.

The BWL will relocate and upgrade Scott Sunken Garden. The Scott Center House, which has no historical value and is currently used as a City of Lansing storage facility, was relocated to the site in 1978 by the Lansing Parks and Recreation Department. An RFP (Request for Proposal) Scott Premains to be raised.

The project will require necessary reviews and approvals moving forward.

####

### **What is BWL's Lansing Energy Tomorrow plan?**

BWL's Lansing Energy Tomorrow plan will detail how the Lansing Board of Water & Light will meet its energy needs in the future with reliable, affordable and clean energy. It includes the Integrated Resources Plan (IRP) process which will specify how the BWL will replace the Eckert Power Station, 1950s era-coal fired plant that will close by 2020, and prepare for the Clean Power Plan, EPA's regulations for reducing greenhouse gas emissions. The IRP process will be based on consideration of costs to customers, ensuring a reliable energy source for the region, environmental stewardship, managing future uncertainty and risks, federal regulations, local-generation capacity, and economic development.

BWL's Lansing Energy Tomorrow Plan also includes the five-year, \$101 million Transmission & Distribution Improvement Project, which is already underway.

### **Why is the Eckert Power Station closing?**

The Eckert Power Station will close by 2020 because it is nearing the end of its useful operational life: parts are becoming scarce and very expensive; pending environmental regulations create an uncertain future for coal-fired plants like Eckert, and Eckert is located in a flood zone.

With its three tall towers that are visible for miles, the Eckert Power Station is located along the Grand River just south of downtown Lansing. Eckert generates about one-third of the energy in the BWL's service territory.

### **What are the options for replacing Eckert and the power it generates?**

Options include building a new more efficient and cleaner power plant, buying power off the grid, boosting alternative and renewable energy options such as wind, solar or other technologies, like smart meters, and investing in energy efficiency programs — or some combination of these generation options. The goal of the IRP process is to craft a plan that the BWL will implement based on a balanced consideration of costs to customers, ensuring a reliable energy source for the region, environmental stewardship, risks, federal regulations, local-generation capacity and economic development.

### **How can BWL customers and stakeholders participate in the IRP process?**

The BWL is committed to making the IRP process inclusive and transparent by giving customers and stakeholders a voice in developing the plan. A nine-member Citizens Advisory Committee made up of BWL customers, experts in energy and utility operations and local leaders will lead the planning process. They'll hold five community meetings across the BWL's service territory between October 2015 and January 2016. The purpose of the meetings is to review technical data collected to determine the best future energy plan for the region. At the meetings, BWL customers and other stakeholders will have an opportunity to comment on the technical data and offer comments and recommendations. Based on the Citizens Advisory Team's technical analysis and input received at the meetings, a final report will be presented to the BWL Board of Commissioners in 2016.

**Is keeping Eckert open and operational a feasible option?**

Keeping Eckert open is not an option. It is located in a flood plain and because it is nearly 60 years old, parts and repairs are becoming prohibitively expensive. Eckert is coal-fired, and pending environmental regulations create an uncertain future for coal-fired plants like Eckert.

**What is the timeline for completing the IRP process?**

The final IRP recommendations will be presented to the BWL Board of Commissioners in 2016.

**What is the timeline for closing and replacing the Eckert Power Station?**

The Eckert Power Station will close by 2020. The IRP process will make recommendations as to how to replace the energy provided by Eckert and prepare for the Clean Power Plan, EPA's regulations for reducing greenhouse gas emissions.

**What will the IRP process examine?**

A key part of the IRP process is a technical analysis of options available for replacing Eckert, including building a new cleaner and more efficient power plant, replacing the electric by buying it off the grid, replacing the electric with renewable resources such as wind, solar or other technologies, like smart meters, and investing in energy efficiency programs — or some combination of these options.






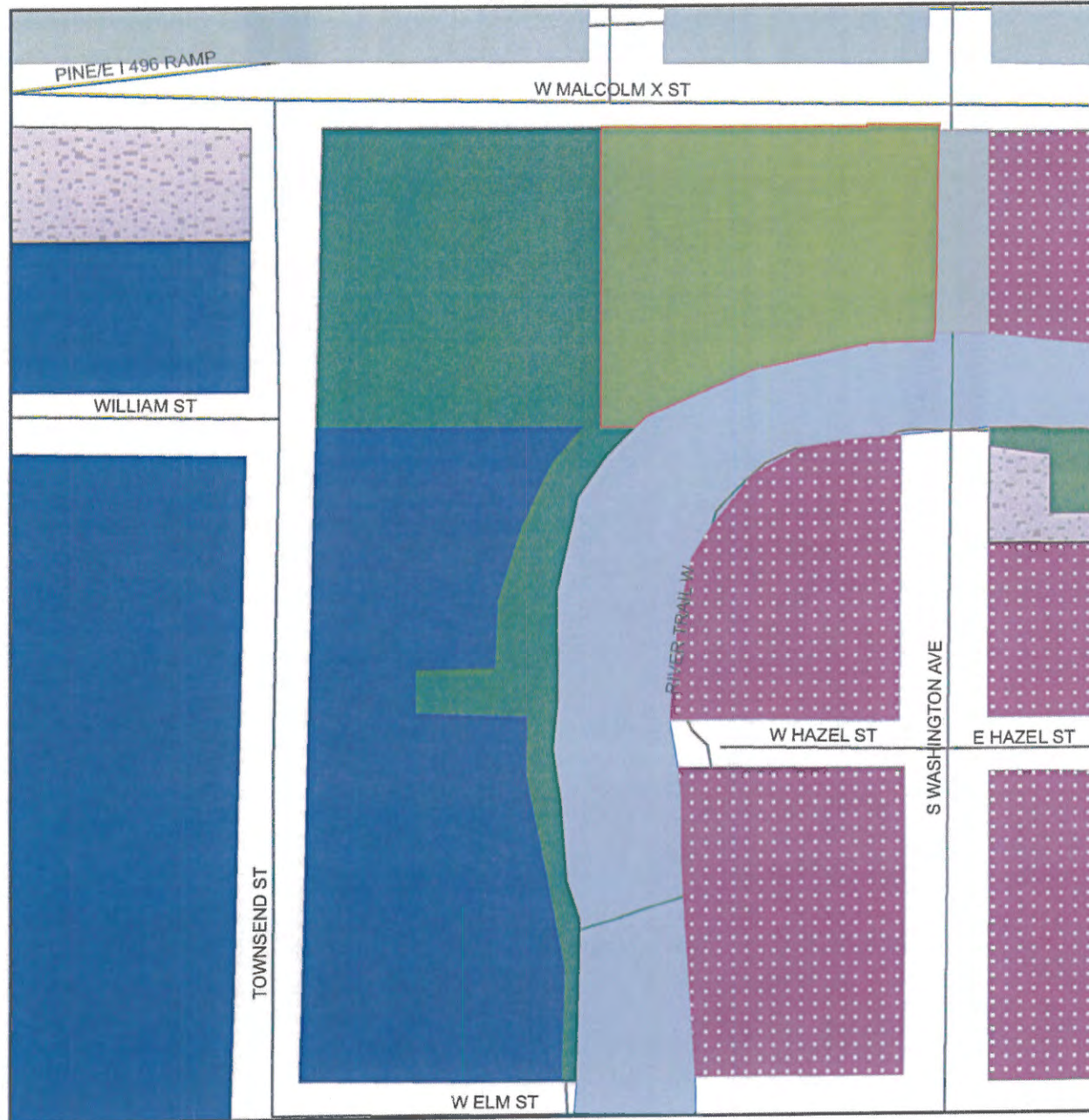
# Proposed Admendment #1 Design Lansing Comprehensive Plan \*DRAFT\*



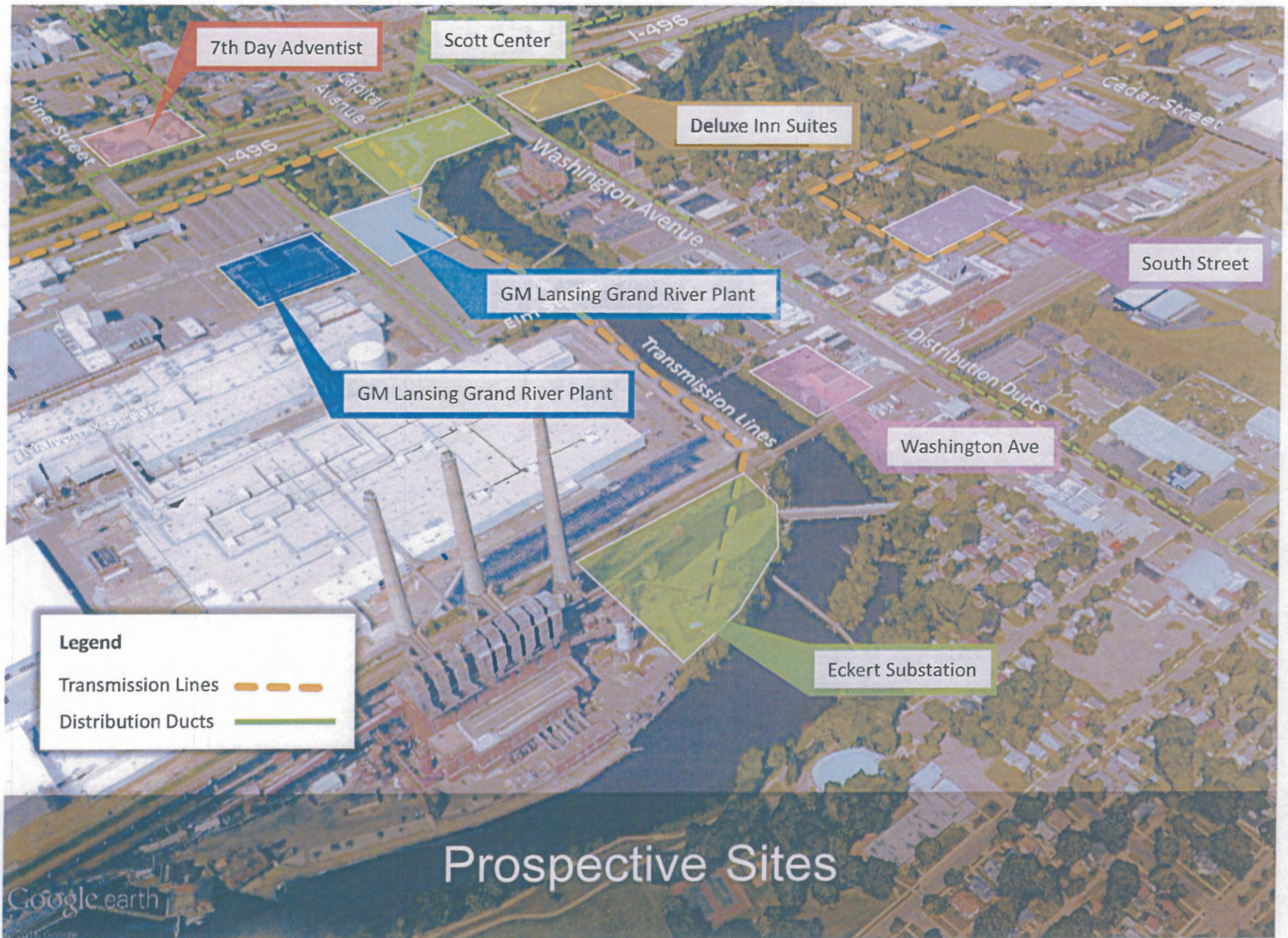
0 75 150 300 Feet

## Legend

-  PROPOSED
-  Future Land Use
-  Open Space-Dedicated Park
-  Open Space-Quasi-Public / Utility
-  Low-Density Residential
-  Medium-Low-Density Residential
-  Medium-Density Residential-Urban
-  Medium-Density Residential-Suburban
-  Residential Corridor
-  Downtown Mixed-Use Center: Core
-  Downtown Mixed-Use Center: Edge
-  Community Mixed-Use Center
-  District Mixed-Use Center
-  Urban Mixed-Use Corridor
-  Suburban Commercial
-  Institutional
-  Research and Development
-  Light Industrial
-  General Industrial
-  Community Facility

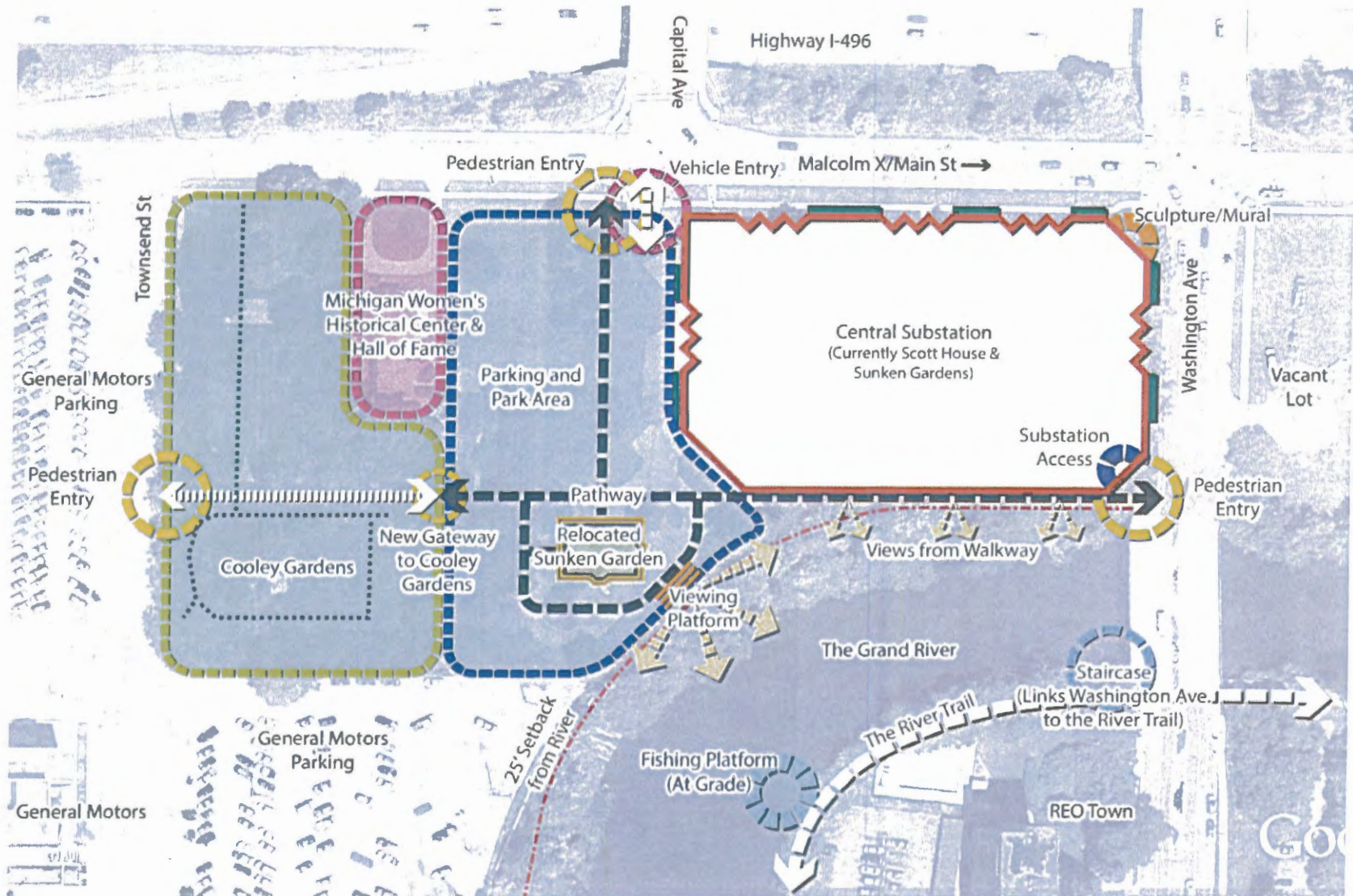








# Conceptual Diagram



The Scott Center Site





S Capitol Ave

W Saint Joseph St

W I 496

E I 496

W Main St

new road

S Washington Ave

Townsend St

N

S Washington Ave

W Hazel St



# Legend

- roads\_final
- A Residential-Single
- B Residential-Single
- C Residential-2 Unit
- NONE
- CUP Community Unit Plan
- D-1 Professional Office
- D-2 Residential/Office
- DM-1 Residential-Multiple
- DM-2 Residential-Multiple
- DM-3 Residential-Multiple
- DM-4 Residential-Multiple
- E-1 Apartment Shop
- E-2 Local Shopping
- F Commercial
- F-1 Commercial
- G-1 Business
- G-2 Wholesale
- H Light Industrial
- I Heavy Industrial
- J Parking
- ROW Right of Way

## City of Lansing Zoning Map





**City of Lansing**  
**Inter-Departmental**  
**Memorandum**



To: Virg Bernero, Mayor

From: Susan Stachowiak

Subject: CITY COUNCIL AGENDA ITEM - SLU-3-2016, Public Utility - 125 W. Malcolm X

Date: June 22, 2016

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The Lansing Planning Board, at a special meeting held on June 21, 2016, voted (5-2) to recommend approval of a request by the Lansing Board of Water & Light for a Special Land Use to construct a power substation at 125 W. Malcolm X Street. The subject property is zoned “C” & “DM-4” Residential, which districts permit “a structure which is owned or operated by a public utility”, if a Special Land Use permit is approved by the Lansing City Council.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed Special Land Use complies with all of the criteria established by Section 1282.02(f)(1-9) of the Zoning Ordinance for granting special land use permits. Based upon these findings, the Planning Board recommended approval of SLU-3-2016.

At the Planning Board public hearing held on January 5, 2016, the applicant’s representatives and 3 other individuals spoke in favor of the request and 10 individuals spoke in opposition to the request.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

**Attachments**

BY THE COMMITTEE OF DEVELOPMENT AND PLANNING  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-3-2016  
125 W. Malcolm X Street  
Public Utility in the "C" & "DM-4" Residential Districts

WHEREAS, the applicant, Lansing Board of Water & Light, has requested a Special Land Use permit (SLU-3-2016) to construct a power substation at 125 W. Malcolm X Street; and

WHEREAS, the property is zoned "C" & "DM-4" Residential Districts where a structure which is owned or operated by a public utility is permitted subject to obtaining a special land use permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact this proposal would have on the surrounding area, the environment, public services and compliance with the intent and purpose of the Zoning Ordinance and Design Lansing Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on May 17, 2016, at which time the applicant's representatives spoke in favor of the request, 3 individuals spoke in support and 10 individuals spoke in opposition to the request; and

WHEREAS, the Planning Board (based upon testimony, evidence and the staff report) at its June 21, 2016 meeting, voted (5-2) to recommend approval of SLU-3-2016 to permit the proposed Lansing Board of Water & Light power substation at 125 W. Malcolm X Street; and

WHEREAS, the City Council held a public hearing regarding SLU-3-2016 on \_\_\_\_\_, 2016; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith; and

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-3-2016, to permit the proposed Lansing Board of Water & Light power substation at 125 W. Malcolm X Street.

BE IT FURTHER RESOLVED that this Special Land Use permit shall remain in effect only so long as the petitioner fully complies with this resolution, and if the petitioner fails to comply, the Special Land Use permit may be terminated by City Council Resolution.

BE IT FINALLY RESOLVED that in granting this request with conditions, the City Council has considered the factors listed in Section 1298.07(B)(2), and determines the following:

1. The proposed power substation is compatible with the essential character of the surrounding area, as designed.
2. The proposed power substation will not change the essential character of the surrounding area.
3. The proposed power substation will not interfere with the general enjoyment of adjacent properties.

4. The proposed power substation will not impact adjacent properties as it will not be detrimental to the use or character of the property under consideration.
5. The proposed power substation will not impact the health, safety and welfare of persons or property in the surrounding area.
6. The proposed power substation can be adequately served by essential public facilities and services.
7. The proposed power substation will not place any demands on public services and facilities in excess of current capacities.
8. The proposed power substation is consistent with the intent and purposes of the Zoning Code and in conformance with the Design Lansing Comprehensive Plan.
9. The proposed power substation will comply with the requirements of the "C" & "D-4M" Residential Districts.

CITY OF LANSING  
NOTICE OF PUBLIC HEARING  
Design Lansing Comprehensive Plan Amendment #1  
Central Substation Project, 125 W. Malcolm X Street

The Lansing City Council will hold a public hearing on Monday, August 22, 2016, at 7:00 p.m. in Council Chambers, 10<sup>th</sup> Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider Design Lansing Comprehensive Plan Amendment #1 to change the future land use designation of the east, approximately 4 acres of the Scott Park property at the SW Corner of Washington Ave. and Malcom X Street (125 W. Malcolm X Street), from “Open Space -Dedicated Park” to “Open Space – Quasi-Public / Utility”.

For more information, please call Lansing City Council at 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., Monday, August 22, 2016 at the City Clerk’s Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email [city.clerk@lansingmi.gov](mailto:city.clerk@lansingmi.gov).

Chris Swope, City Clerk

**[www.lansingmi.gov/Clerk](http://www.lansingmi.gov/Clerk)**

**[www.facebook.com/LansingClerkSwope](https://www.facebook.com/LansingClerkSwope)**



### Ownership History of the Jenison House (1945 to present):

The City of Lansing acquired the property located at 915 Townsend (later known as the Scott Art and Garden Center) from the General Motors Corporation, and not the Jenison family. GM paid the Jenison family \$26,300.00 for the property on April 30, 1945. (*Liber 533, Page 67 Ingham County Register of Deeds*)

The City of Lansing then trades property with GM (May 5, 1945). The City receives the 915 Townsend property (Jenison House) and land from GM that is north of the Jenison house and curving to the east of land owned by Edgar Cooley (parcel located immediately east and adjacent to the Women's Historic Center – 213 W. Malcolm X (Main) Street. (*Liber 534, Page 11-12; and, Liber 534, Page 14-16 Ingham County Register of Deeds*)

The land conveyed to GM by the Jenison Family (915 Townsend) came without restrictions or covenants. The same is true regarding the land that GM conveyed to the City of Lansing.

### Ownership of the Scott Mansion property and Sunken Garden (1977 to present):

The Trustees of the estate for Mrs. Gertrude Scott conveyed, by way of sale, the land (Scott Mansion was demolished in 1965 by Mrs. Scott) and Sunken Garden to the General Motors Corporation for \$73,333.00 on August 19, 1977. (*Liber 1229, Page 402 Ingham County Register of Deeds*)

It is a fact that GM acquired the Scott Mansion land and Sunken Garden without any restrictions or covenants.

GM trades its recently acquired (August 1977) Scott property with the City of Lansing for the property that the City had acquired from GM in 1945, which was the property located at 915 Townsend. (Liber 1265, Page 392). The trading of property between GM and the City occurred on August 21, 1978.

The Jenison House was moved (1978) from its Townsend location to the land immediately west of the Sunken Garden, where it sits today.

Also, the City of Lansing pays GM \$175,000.00 to acquire the Cooley-Hayes (Women's Historic Center). (Liber 1265, Page 392 Ingham County Register of Deeds)

FACT: Neither the JENISON HOUSE (915 Townsend) nor the SCOTT MANSION & SUNKEN GARDEN were bequeathed to THE CITY OF LANSING. GM paid a total of \$99,633.00 to acquire both properties.

FACT: THE CITY OF LANSING paid \$175,000.00 for the property at 213 W. Malcolm X (Main) Street, known as the Cooley-Hayes/Women's Historic Center. The City purchased the property from General Motors.

FACT: Only two parcels were bequeathed to the City of Lansing, *the parcel boundaries for both are outside the footprint of the proposed BWL Sub-Station.* The two parcels that were “gifted” to the City are property formerly owned by Mr. Eugene Cooley (deed restricted – Cooley Gardens); and, the unimproved lot immediately east of the Women’s Historic Center formerly owned by Mr. Edgar L. Cooley (no deed restriction).

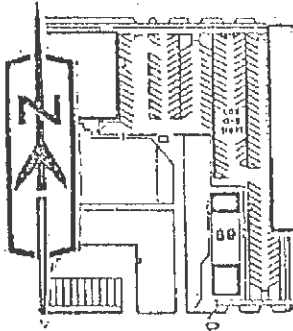
## LAND EXCHANGE

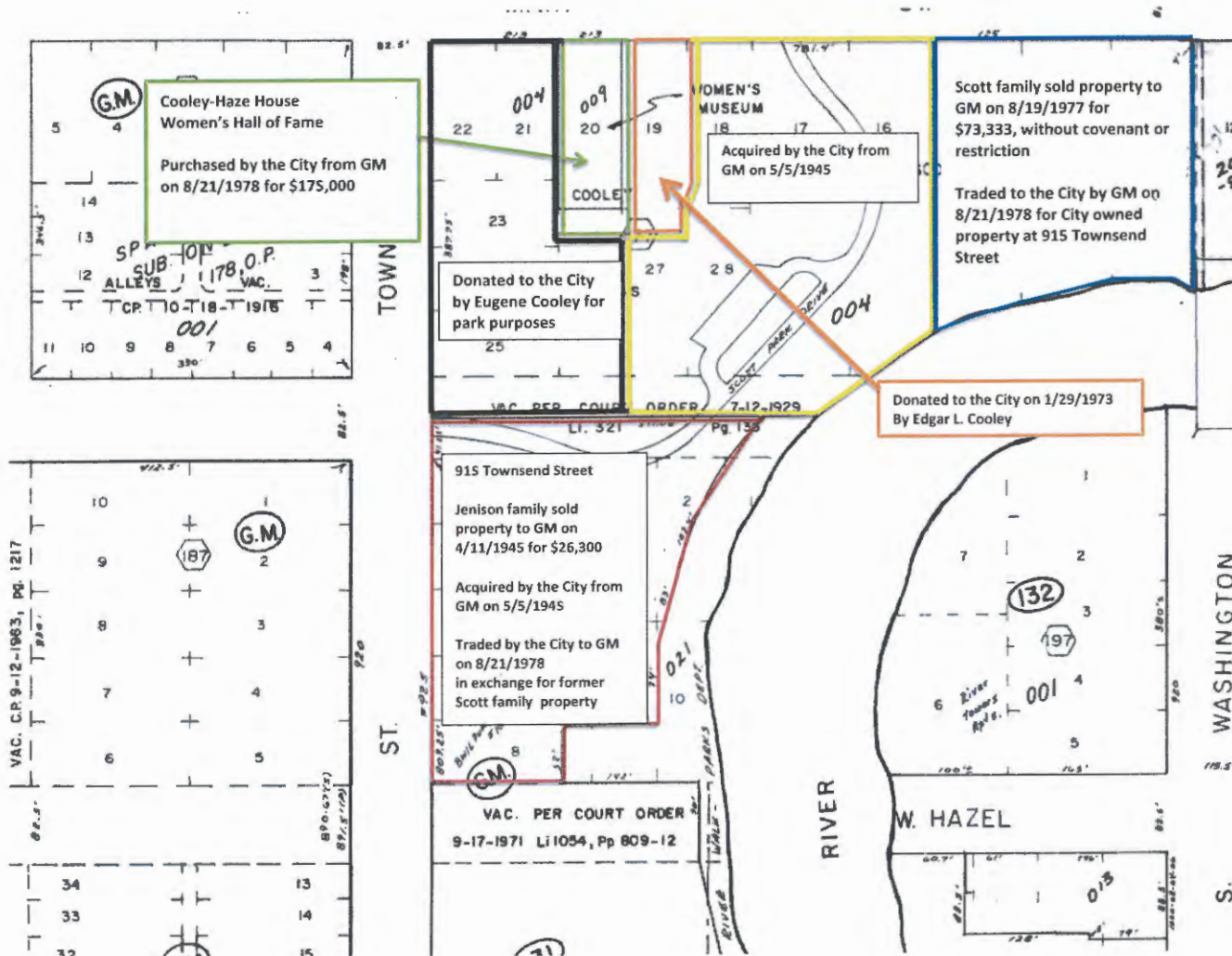
213 W. MALCOLM X

Vacant lot formerly the Scott estate presently owned by Olds would be deeded to the city.

City retains river frontage.

Art and Garden Center to be relocated at Oldsmobile expense to vacant lot (former Scott estate).





### Key to Corresponding Documentation

- A. Deed between GM and Jenison Estate for 915 Townsend – 4/11/1945
- B. Deeds between GM and City of Lansing for 2 parcels transacted 5/5/1945 – shown as 915 Townsend and parcel west of Scott parcel
- C. Scott family sells vacant land and Sunken Garden to GM – 8/19/1977
- D. Conveyance between GM and City of Lansing. GM conveys Scott Parcel and Cooley/Haze in exchange for 915 Townsend and \$175,000. See attached resolution dated 8/14/1978.

A

For your safety only: In witness whereof, the undersigned, the Secretary of the State of Michigan, have caused this deed to be recorded in the office of the State of Michigan, at Lansing, Michigan, this 27th day of April, 1945.

533 67

Abstract and Title Guaranty Company

WARRANTY DEED

8251

1-25 6-25

**This Indenture.**

Made this 30th day of April in the year of our Lord one thousand nine hundred and forty-five between MARY HAWLEY JENISON, widow of Orion A. Jenison, residing at Lansing, Michigan,

part Y of the first part, and GENERAL MOTORS CORPORATION, a Delaware corporation, having a principal office at 3044 West Grand Boulevard, Detroit, Michigan,

part Y of the second part. Witnesseth, that the said part Y of the first part, for and in consideration of the sum of Twenty Six Thousand Three Hundred Dollars (\$26,300.00)

to her in hand paid by the said part Y of the second part, the receipt whereof is hereby confessed and acknowledged, do hereby give, grant, bargain, sell, release, release, alien and confirm unto said part Y of the second part, and its SUCCESSORS and assigns, forever, all that certain piece or parcel of land situate and being in the City Lansing county of Ingham and state of Michigan,

and described as follows, to wit: The South 91.25 feet of Lots 1, 2 and 3 and the South 60.25 feet of Lot 5, and the entire of Lots 6, 7, 8, 9 and 10, all in Block 188, City of Lansing, County of Ingham, State of Michigan; also the North one-half of Isaac Street (Olds Avenue) lying South of Block 188, City of Lansing, County of Ingham, State of Michigan, except the West 8 rods thereof; and except an undivided one-half interest in Lot 8 and the South 52 1/2 feet of Lot 7 and the South 124 1/2 feet of Lots 9 and 10, all in Block 188 of the City of Lansing, County of Ingham, State of Michigan, and a similar one-half interest in the North half of Isaac Street lying South of said Block 188, except the West 8 rods thereof.

Together with all the right, title and interest of the party of the first part to any land lying in the bed of any street, road or alley adjoining said premises.

Together with all and singular the hereditaments and appurtenances thereto belonging or in anywise appertaining: To have and to hold the said premises, as herein described, with the appurtenances unto the said part Y of the second part, and to its SUCCESSORS and assigns, forever, and the said MARY HAWLEY JENISON

part Y of the first part for her self and her heirs, executors and administrators, do hereby covenant, grant, bargain and agree to and with the said part Y of the second part its SUCCESSORS and assigns, that at the time of the executing and delivery of these presents she is well seized of the above-granted premises in fee simple; that they are free from all incumbrances whatever except such, if any, as are excepted from the covenant following, and that she will, and her

For your safety, have Abstract and Title Guaranty Company under your seal and title.

915 Townsend

A

B-1

DEED OF TRUST

THIS DEED OF TRUST, made this 25<sup>th</sup> day of May in the year of our Lord one thousand nine hundred and forty-five, between CENTRAL MOTORS CORPORATION, a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office at 2044 West Grand Boulevard, Detroit, Michigan, party of the first part, and CITY OF LANSING, a Michigan Municipal corporation, party of the second part,

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the exchange of other property, does by these presents, grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, and its successors and assigns, FOREVER, All that certain piece or parcel of land situate and being in the City of Lansing, County of Ingham, and State of Michigan, and described as follows, to wit:

The South 93.25 feet of Lots 1, 2 and 3 and the South 90.25 feet of Lot 5 and entire Lots 6, 7, 8, 9 and 10, Block 153; also the North 1/2 of Isaac Street (Old Avenue) lying South of Block 153 except the West 3 rods thereof.

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging or in anywise appertaining; TO

B 1

100 001 12

HAVE AND TO HOLD the said premises, as herein described, with the appurtenances, unto the said party of the second part, and to its successors and assigns, FOREVER. And the said party of the first part, for itself and its successors, does covenant, grant, bargain, and agree to and with the said party of the second part, its successors and assigns, that at the time of the executing and delivery of these presents it is well seized of the above granted premises in Fee Simple; that they are free from all encumbrances whatever, except such if any, as are excepted from the covenant following, and that it will and its successors shall forever WARRANT and DEFEND the same against all lawful claims whatsoever, except that premises are conveyed subject to all restrictions, easements and driveway rights of record, also subject to Federal and State inheritance tax liens in connection with the estate of Orion A. Jensen, and except that the warranty shall not apply to that portion of Isaac Street (Olds Avenue) included herein.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be executed by its duly authorized officers and sealed with its corporate seal, the day and year first above written.

In Presence of

William B. Robinson  
William B. Robinson

GENERAL MANAGER

BY [Signature]

Vice President

ATTEST: [Signature]

Assistant Secretary

STATE OF MICHIGAN  
COUNTY OF WARE

ss

On this 5<sup>th</sup> day of May in the year one thousand nine hundred and forty-five before us appeared B. D. Kramlich

B 1

THIS INDENTURE, made this 5<sup>th</sup> day of May in the year of our Lord one thousand nine hundred and forty-five, between GENERAL MOTORS CORPORATION, a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office at 3044 West Grand Boulevard, Detroit, Michigan, party of the first part, and CITY OF LANSING, a Michigan Municipal corporation, party of the second part,

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the exchange of other property, does by these presents, grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, and its successors and assigns, FOREVER, All that certain piece or parcel of land situate and being in the City of Lansing, County of Ingham, and State of Michigan, and described as follows, to wit:

That part of Lots 16, 17, 18, 27 and 28 of Block 177, and Lots 1, 2, 3, 4 and 5 of Block 188, and a portion of William Street, all in the City of Lansing, County of Ingham, State of Michigan, described as:

Commencing at the Northeast corner of Lot 16, Block 177; thence West 245.43 feet; thence South parallel with the West line of Lot 18, 135.0 feet; thence Southwesterly 53.55 feet to a point 15.0 feet South of the North line of Lot 28 and 3.0 feet East of the West line of said Lot 28; thence West 3.0 feet to the West line of said Lot 28; thence South along the lot line 40.0 feet; thence West 66.0 feet to a point in the West line of Lot 27; thence South along the lot line 118.25 feet to the Southwest corner of said Lot 27, Block 177; thence South 27.75 feet; thence West 198.0 feet to a point in the East line of Townsend Street, said point lying 27.75 feet South of the Southwest corner of Lot 25,

B 2



Block 177; thence South along the East line of Townsend Street 126.5 feet to a point lying 5.75 feet South of the Northwest corner of Lot 5, Block 188; thence East on a line parallel with the North line of said Block 188 to the Westerly bank of the Grand River; thence Northeasterly along said bank of the Grand River to the Southeast corner of Lot 16, Block 177; thence North along the lot line to the place of beginning.

Together with a perpetual right of way over land lying Westerly of and within 5 feet of that portion of the Westerly boundary above described extending from the North line of said Lot 18 to intersection of said boundary with the East line of said Lot 27 and subject to a similar right of way over a strip of land 5 feet in width lying Easterly of said portion of said Westerly boundary as granted and reserved in conveyance from Amanda E. Barnes to Eugene F. Cooley and Kate E. Cooley, recorded in Liber 124 on page 203 (said right of way being granted and reserved for use as a joint driveway 10 ft. in width by parties to said last mentioned instrument in connection with property adjoining same).

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD the said premises, as herein described, with the appurtenances, unto the said party of the second part, and to its successors and assigns, FOREVER. And the said party of the first part, for itself and its successors, does covenant, grant, bargain, and agree to and with the said party of the second part, its successors and assigns, that at the time of the onsealing and delivery of these presents it is well seized of the above granted premises in Fee Simple; that they are free from all encumbrances whatever, except such if any, as are excepted from the covenant following, and that it will and its successors shall forever WARRANT and DEFEND the same against all lawful claims whatsoever, except that premises

are conveyed subject to all restrictions, easements and driveway rights of record, also subject to Federal inheritance tax lien in connection with the estate of Richard H. Scott and except that the warranties shall not apply to that portion of William Street included herein.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be executed by its duly authorized officers and sealed with its corporate seal, the day and year first above written.

In Presence of

L. W. Carr  
L. W. Carr  
William B. Robinson  
William B. Robinson

GENERAL MOTORS CORPORATION

BY B. D. Hunkeler  
B. D. Hunkeler  
Vice President

ATTEST: J. C. Davidson  
J. C. Davidson  
Assistant Secretary

STATE OF MICHIGAN

COUNTY OF WAYNE

SS

On this 5th day of May in the year one thousand nine hundred and forty-five before me appeared B. D. Hunkeler and J. C. Davidson, to me personally known, who being by me severally duly sworn, did say that they were respectively a Vice President and Assistant Secretary of General Motors Corporation, a corporation created and existing under the laws of the State of Delaware, and that the seal affixed to the foregoing instrument is the corporate seal of the said corporation, and that the said instrument was signed and sealed in behalf of said corporation by

Trustees  
EXERCISE DUE UNDER POWER  
OF SALE IN A WILL

LIBER 1229 PAGE 402

607

11743



# This Indenture

Made the nineteenth day of August

in the year of our Lord one thousand nine hundred and seventy-seven

BETWEEN AMERICAN BANK AND TRUST COMPANY and MAURICE C. SCOTT, co-Trustees of the Estate of Gertrude E. Scott, deceased, of One Washington Square, Lansing, Michigan,

of the first part, and GENERAL MOTORS CORPORATION, a Delaware Corporation, of 3044 West Grand Boulevard, Detroit, Michigan, 48202,

of the second part, WITNESSETH, That the said parties of the first part, by virtue of the power and authority to them given by the last Will and Testament of Gertrude E. Scott

late of Lansing, Michigan, and for and in consideration of Seventy-three Thousand Three Hundred Thirty-three and No/100 (\$73,333.00) Dollars,

to them paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, and to its successors, heirs, assigns, FOREVER. All that certain piece and parcel of land situate in the City of Lansing, Ingham County, Michigan, and described as:

An undivided two-thirds (2/3) interest in and to: Lot 13, except the East 4 feet thereof, and the entire of Lots 14 and 15, of Block 177, Original Plat, City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, but subject to all conditions, restrictions and easements of record.

RECORDED  
1-21-77

STATE OF MICHIGAN  
Dept. of Taxation  
SEP 16 1977  
RB 10583  
REAL ESTATE  
TRANSFER TAX  
\$ 80.85

RECORDED

SEP 16 3 57 PM '77

REGISTER OF DEEDS  
Ingham County, Mich.

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof. And all the estate, right, title, interest, property, possession, claim and demand whatsoever, which the said testatrix had in her lifetime, and at the time of her decease, and which the said parties of the first part have by virtue of the said last Will and Testament or otherwise, of, in and to the above described premises, and every part and parcel thereof, with the appurtenances, To Have and to Hold, Forever. And the said parties of the first part, for themselves and for their heirs, assigns, successors, administrators, do covenant, promise and agree to and with the said party of the second part its successors, heirs, assigns, that they have not made, done, committed, executed or suffered any act or acts, thing or things whatsoever, whereby, or by means whereof, the above mentioned and described premises, or any part or parcel thereof, now are or at any time hereafter shall or may be impeached, charged or encumbered in any manner or way whatsoever.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of

AMERICAN BANK AND TRUST COMPANY

BY John R. Pettibone (L.S.)  
John R. Pettibone Its Sr. V.P.

Diane M. Nichols  
Diane M. Nichols

BY John Wieber (L.S.)  
John Wieber Its Trust Officer

Elizabeth M. Senko  
Elizabeth M. Senko  
Helen Patterson

Maurice M. Scott (L.S.)  
Maurice M. Scott

Jennifer A. Harrison  
Jennifer A. Harrison co-trustees of the Estate of Gertrude E. Scott, deceased

D-1

LIBER 1265 392

R22383

3300-24-130-220  
3300-24-130-040

THIS INDENTURE, made this 21st day of August, in the year of our Lord one thousand nine hundred and seventy-eight, between GENERAL MOTORS CORPORATION, a Delaware Corporation, duly authorized to do business in the State of Michigan, having its principal office at 3044 West Grand Boulevard, Detroit, Michigan 48202, hereinafter referred to as the GRANTOR, and CITY OF LANSING, a Michigan Municipal Corporation, of City Hall Building, Lansing, Michigan 48933, hereinafter referred to as the GRANTEE,

WITNESSETH, that the said Grantor, for and in consideration of the sum of ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$175,000.00), paid by the said Grantee, the receipt whereof is hereby confessed and acknowledged, by these presents does grant, bargain, sell, remise, alien, release and confirm unto the said Grantee, and to the heirs, successors and assigns of the said Grantee, Forever, land situated in the City of Lansing, County of Ingham, State of Michigan, described as follows, to-wit:

Lot 13, except the East 4 feet thereof, and the entire of Lots 14 and 15, Block 177, Original Plat, City of Lansing, Ingham County, Michigan, according to the recorded plat thereof;

AND ALSO CONVEYING,

Commencing in the North line of Lot 20 of Block 177, City of Lansing, Ingham County, Michigan at a point 2 1/2 feet East of the Northwest corner of Lot 20; Thence East 68 1/2 feet; Thence South parallel with the East line of Lots 20 and 26 to a point 15 feet South of the North line of Lot 27; Thence West parallel with North line of Lots 27 and 26, 68 1/2 feet to a point 15 feet South and 2 1/2 feet East of Northwest corner of Lot 26 and Thence North parallel with West line of Lots 20 and 26 to beginning, according to the recorded plat thereof.

RECORDED

AUG 24 2 09 PM '78

REGISTER OF DEEDS

*Paul Johnson*  
INGHAM COUNTY, MICH.

SUBJECT TO: Easements, conditions, covenants and restrictions of record.

Together with all and singular the hereditaments and appurtenances, thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD the premises as before described, with the appurtenances, unto the said CITY OF LANSING, Grantee, heirs, successors and assigns of the Grantee, Forever, and the said Grantor covenants and agrees to and with the said Grantee that the said Grantor has not heretofore done, committed or wittingly or willingly suffered to be done or committed, any act, matter, or thing whatsoever whereby the premises hereby granted, or any part thereof, is, are or shall be charged or encumbered in title, estate or otherwise howsoever.

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Board, the Planning Board, the Traffic Board, and the Parks Board, were referred to the Committee on Parks and Recreation, the Committee on Public Service and Highways and the Committee on Planning, all three of which have recommended approval of the requested vacation of the above-described portion of Scott Park Drive; now, therefore, be it

Resolved, that all of the above-described portion of Scott Park Drive be and the same is hereby completely and fully discontinued and vacated; and be it

Finally Resolved, that the City Clerk of the City of Lansing, within thirty (30) days hereafter, shall forward a certified copy of this resolution to the State Treasurer of the State of Michigan and a certified copy of this resolution to the Ingham County Registrar of Deeds for recording.

Adopted by the following vote:

Unanimously.

By COUNCILMAN BLAIR -

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing is the owner of and has marketable title to real property described as:

That part of the Northwest 1/4 of Section 21, T4N, R2W, City of Lansing, Ingham County, Michigan, commencing at the Northwest corner of said Section 21, running thence on the section line South 0°05'51" East 1113.75 feet to the North line of Olds Avenue, thence East 1833.76 feet along said North line to the Southwest corner of Block 188 of the Original Plat of the City of Lansing and the point of beginning of the following described parcel, running thence East 182.00 feet along the South line of said Block 188, thence North 0°10' West 52.00 feet, thence North 44°55' East 9.39 feet, thence East 91.26 feet, thence North 0°10' West 74.00 feet, thence North 14°50' East 83.00 feet, thence Northeasterly 186.40 feet along a 360 foot radius curve to the right whose chord bears North 29°25' 30" East 181.42 feet, thence West along the centerline of vacated Williams St. 341.65 feet to the West line of said Block 188, thence South 0°10' East along said West line 251.25 feet to the point of beginning,

hereinafter called the "City Parcel" and commonly known as that part of Scott Park fronting on Townsend Street; and

Whereas, General Motors Corporation is the owner of and has marketable title to real property proximately located in the Scott Park vicinity described as:

Lot 13, except the East 4 feet thereof, and the entire of Lots 14 and 15, Block 177, Original Plat, City of Lan-

sing, Ingham County, Michigan, according to the recorded plat thereof; AND ALSO, commencing in the North line of Lot 20 of Block 177, City of Lansing, Ingham County, Michigan, at a point 2 1/2 feet East of the Northwest corner of Lot 20, thence East 68 3/4 feet, thence South parallel with the East line of Lots 20 and 26 to a point 15 feet South of the North line of Lot 27, thence West parallel with the North line of Lots 27 and 26, 58 3/4 feet to a point 15 feet South and 2 1/2 feet East of the Northwest corner of Lot 28 and thence North parallel with West line of Lots 23 and 26 to beginning, according to the recorded plat thereof,

hereinafter called the "GMC Parcel"; and

Whereas, on April 28, 1978, the City Council of the City of Lansing received from Oldsmobile Division of General Motors Corporation a proposal that the City of Lansing convey the City Parcel to General Motors Corporation in exchange for the conveyance by General Motors Corporation to the City of Lansing of the GMC Parcel; and

Whereas, the City Council of the City of Lansing heretofore determined that this proposed disposition would not significantly diminish the amount of real property owned by the City of Lansing in the Scott Park and Cooley Garden vicinity and would substantially increase the amount of river frontage owned by the city along the west bank of the Grand River; and

Whereas, this matter was reviewed by the Park Board, the Traffic Board, the Planning Board, the Waterfront Development Board, and the Scott Art and Garden Center Board and approved and recommended by the respective boards; and

Whereas, the Committee on Parks and Recreation reviewed this matter and recommended that the proposed disposition be submitted to the electorate of the City of Lansing for approval as required by the Lansing City Charter, ch 14, §14.3(d) and as required by the laws of the State of Michigan at the primary election held on August 8, 1978; and

Whereas, the City Council of the City of Lansing adopted a resolution on May 30, 1978 authorizing and directing the submission of the proposed disposition to the electorate as aforesaid; and

Whereas, at the primary election held on August 8, 1978, the electors of the City of Lansing voted favorably to dispose of the City Parcel in return for a benefit to be realized of not less than the fair market value as appraised by the City Assessor; and

Whereas, on June 27, 1978, the City Assessor determined that the GMC Parcel is a benefit to the City of Lansing of not less than the fair market value of the City Parcel; and

Whereas, the City Council of the City of

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Lansing has determined that it would be in the best interests of the City of Lansing to accept the exchange proposal made by General Motors Corporation and to proceed with the proposed disposition by deeding the City Parcel to General Motors Corporation in exchange for a conveyance of the GMC Parcel to the City, together with those additional services to be performed by and at the expense of General Motors Corporation in connection with the exchange as detailed in the aforementioned General Motors Corporation proposal of April 28, 1978 and in the document entitled "Proposed Scott Park Exchange -- Arrangements" adopted by the Committee on Parks and Recreation on August 16, 1978, a copy of which is attached hereto; and

Whereas, it is now desirable to proceed with a closing of the exchange transaction at the earliest convenient date; now, therefore, be it

Resolved, that the City Council of the City of Lansing authorizes the exchange of the City Parcel for the GMC Parcel; and be it

Further Resolved, that this matter be referred to the City Attorney for preparation of documents and to the Property Manager for the processing of the exchange of the City Parcel for the GMC Parcel after all documents have been approved as to form by the City Attorney; and be it

Further Resolved, that the Mayor and the City Clerk be and are hereby directed and authorized to execute a warranty deed of the City Parcel to General Motors Corporation after certification of the election results by the Board of Canvassers and after approval of said deed as to form by the City Attorney and to execute such other documents as may be required in connection with the finalizing of the exchange transaction after approval of such documents as to form by the City Attorney; and be it

Finally Resolved, that the property conveyed by General Motors Corporation to the City of Lansing be designated as park property and be placed under the auspices of the Department of Parks and Recreation for purposes of management and maintenance.

Adopted by the following vote:

Unanimously.

By COUNCILMAN JAMES D. BLAIR—

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing in 1974 purchased 96 acres of land lying within the Red Cedar Drainage Basin (Crego Park); and,

Whereas, Crego Park provides an excellent opportunity to develop a regional natural park which will connect with Potter Park (zoo), Schuble Park, Sycamore Golf

Course, Fenner Arboretum, Foxson Park, and Scott Woods Park; and,

Whereas, there are certain parcels of land adjacent to Fidelity Lake/Crego Park which are considered essential for the development of that area as a major recreational facility; and,

Whereas, the City of Lansing will willingly accept title, assume management responsibilities of the land for public park purposes, develop, operate and ensure the land will be utilized as a public park, as it pertains to the parcels as outlined in the grant proposal submitted to the Kammern-Michigan Land Trust which are as follows:

Parcel No. 8301-23-451-001 9 .70 acres

Parcel No. 8301-23-452-001 5 .64 acres

Parcel No. 8301-23-452-011 5 .64 acres

Parcel No. 8301-23-452-151 5 .53 acres

Parcel No. 8301-23-452-191 4 .53 acres

Parcel No. 8301-23-452-041 1 2.24 acres

5.48 acres

Now Therefore, Be It Resolved that upon approval of the grant application Crego Park/Fidelity Lake by the Michigan Land Trust Fund Board the Mayor and City Clerk be directed to sign the appropriate contractual agreements necessary when approved as to form by the City Attorney.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PLANNING—

Resolved by the City Council of the City of Lansing:

SUP-14-78

645 South Hayford Street

Construction in Base Flood Plain of the Red Cedar River

Whereas Manuel Rodriguez has requested a special permit to allow the construction of a garage addition in the Base (100 year frequency) Flood Plain of the Red Cedar River; and

Whereas, the City of Lansing is a participant in the National Flood Insurance Program and thereby required to enforce the rules and Regulations of that Program; and

Whereas the Planning Department, Planning Board, Public Service Department and State of Michigan Department of Natural Resources have reviewed the proposal and find it to be in substantial conformance with the Rules and Regulations of the National Flood Insurance Program as adopted by the Department of Housing and Urban



# City of Lansing

OFFICE OF THE CITY ATTORNEY

F. Joseph Abood, Interim City Attorney

## CITY ATTORNEY OPINION

**TO:** MAYOR VIRG BERNERO

**CC:** COUNCIL PRESIDENT JUDI BROWN CLARKE AND ALL CITY COUNCIL MEMBERS

**FROM:** F. JOSEPH ABOOD, INTERIM CITY ATTORNEY

**DATE:** JUNE 11, 2016

**RE:** SCOTT PARK - BWL

### BACKGROUND

The City owns certain property commonly known as Scott Park. It is proposed that the Scott Park property become the new site, by way of a special land use permit, of a new Board of Water and Light substation. Procedurally, Council will be asked to grant a special land use (SLU) permit to allow the Board of Water and Light to construct their new substation on the property. Council members have indicated that they may consider placing an advisory question on the ballot as to the issue of Scott Park.

### QUESTIONS PRESENTED

1. Does the proposed grant of a special land use permit to the Board of Water and Light for the use of City-owned property known as Scott Park constitute a sale of the land that would require a vote of the electorate?
2. Does the Lansing City Council have the legal authority to place an advisory question on the ballot concerning the granting of the special land use permit or any other aspect of the proposed use of the property by the Board of Water and Light?

### SHORT ANSWERS

1. No. As a general precept Boards of the City do not own land. While the Board of Water and Light is an administrative board and has been delegated executive and policymaking

responsibilities necessary to the proper operation of the agency (5.102.1), the Charter specifically states, "The Board shall have the power to acquire property in the name of the City for purposes of the Board of Water and Light." (5-203.2). Therefore, the granting of a special use permit to the Board of Water and Light is not a sale of property by the City as contemplated by the Charter to require the vote of the electorate.

2. No. Pursuant to the Charter, the Home Rule City Act, Attorney General Opinion 6383, and case law, an advisory ballot proposal, as suggested above, is not authorized, and would be ultra vires or outside the authority granted to Council.

### ANALYSIS

1. The City of Lansing owns Scott Park. The Board of Water and Light is a City administrative board. It is an agency of the City. By permitting a SLU to the Board of Water and Light to place a new substation on City owned property does not constitute a transfer of ownership of the property. Since the City remains the owner, the provisions in the Charter relating to the sale of public property including the requirement of an affirmative vote of the electorate or an affirmative vote of 2/3 of Council is not required.

However, Council does have an important role to play in the process and that revolves around the consideration of the SLU to allow the Board of Water and Light to build the substation on the City property.

2. Michigan law generally disfavors advisory ballot questions. Case precedent holds that the City Council may not place propositions on the ballot that shift to the electorate the responsibility for making decisions that they themselves are required to make. *Scovill v Ypsilanti*, 201 Mich 288 (1919)

Also practically this would incur the cost of ballots and election to do something that is the elected officials responsibility. That is not to say that the City Charter does not allow for advisory votes or questions.

The Lansing City Charter provides for Initiative and Referendum on Ordinances, not on general advisory questions.

Therefore, the issue would have to be placed into the context of an ordinance proposition for it to satisfy the Charter.

The relevant provisions of the Charter are found at Chapter 4. Ballot Issues. 2-402 Initiative and Referendum, as you will note, the Charter only refers to Initiative and Referendum as they relate to ordinances and in no way references general questions. Again at 2/407 Submission of Council speaks only in the context of ordinances.

It is also true that if the Charter allows for an advisory vote then that would be appropriate. The Lansing City Charter does not allow for a general question advisory vote. In other words, the general advisory ballot question relative to the use of Scott Park does not meet the requisite City Charter criteria to be placed on the ballot.

I trust this answers the questions submitted for consideration. If there should be any additional questions, we would be happy to address them.



BY THE COMMITTEE ON DEVELOPMENT AND PLANNING  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

LBWL Central Substation project  
Amendment to in Resolution #0145 of 1981  
Adoption of Design Lansing Comprehensive Plan Amendment #1

WHEREAS, on June 22, 1981, as recommended by the Lansing Parks Board and presented by the Parks and Recreation Department, the Lansing City Council adopted a classification report listing designated parkland under Resolution #0145; and

WHEREAS, Scott Park, located at 125 W. Malcom X Street, Lansing, Michigan 48933, (hereinafter "Property") is classified as designated parkland under Resolution #0145 of 1981, and

WHEREAS, the Property is also designated on the Design Lansing 2012 Comprehensive Plan Future Land Use Plan as "Open Space – Dedicated Park"; and

WHEREAS, the City of Lansing is desirous of repurposing the eastern portion of the Property for Lansing Board of Water and Light ("LBWL") purposes as set forth herein; and

WHEREAS, the City of Lansing is the owner of the subject Property; and

WHEREAS, the Lansing City Charter Section 8-402.6 states: "No park, recreation, cemetery, or waterfront land may be sold without the approval, by a majority vote, of the electors of the City voting on the question at a regular or special election"; and

WHEREAS, both LBWL and the Parks and Recreation Department are divisions of the City of Lansing in accordance with the Lansing City Charter, adopted on August 8, 1978; and

WHEREAS, on February 10, 2016, LBWL, with concurrence of the Parks and Recreation Director, presented a plan to the Lansing Parks Board for constructing a Central Substation on the Property for the purpose of providing reliable, environmentally friendly electrical service to Lansing's downtown while also enhancing the underutilized parkland surrounding the new substation; and

WHEREAS, according to the plan for the proposed Central Substation:

- the substation will be encircled with a masonry wall featuring public art and displays,
- A walkway which will provide public pedestrian access from Washington Avenue to Townsend Street will be constructed along the south wall of the substation, north of the Grand River,

- the Sunken Garden will be relocated near Cooley Gardens, a more prominent location within the park, and made accessible in compliance with the Americans with Disabilities Act (ADA),
- ADA access will be provided to Cooley Gardens, which will remain otherwise undisturbed,
- the parking lot will be relocated,
- the Scott House will be relocated off-site, portions offered for salvage, or demolished,
- the Women's Historical Museum will be unaffected,
- the City of Lansing retains ownership of the Property, and there is no violation of any deed restrictions regarding the use of this property; and

WHEREAS, at its meeting on April 13, 2016, the Parks Board concurred with the recommendation of the Parks and Recreation Director, and voted 5 to 3 to recommend that the eastern portion of the Scott Park property be repurposed for Board of Water and Light (LBWL) purposes as set forth herein, to amend the inventory of dedicated parkland by removing approximately 4 acres of the Property from Scott Park, and to further recommend that LBWL prioritize recreational opportunities in the southeast corner of the substation site, subject to operational restraints; and

WHEREAS, the City of Lansing initiated Amendment #1 to the Design Lansing Comprehensive Plan, to change the future land use designation of the eastern portion of Scott Park from "Open Space – Dedicated Park" to "Open Space – Quasi-Public / Utility", and to develop the Property in accordance with the plan for the Central Substation described above; and

WHEREAS, copies of the proposed Amendment # 1 were forwarded to all adjoining jurisdictions, railroads, and utilities at least forty-two (42) days prior to holding a public hearing before the Planning Board regarding the proposed Amendment #1, in accordance with Section 41 of the Michigan Planning Enabling Act, and as authorized by City Council; and

WHEREAS, no comments were received from these jurisdictions, railroads, and utilities; and

WHEREAS, at a special meeting on May 17, 2016, the Lansing Planning Board held a duly noticed public hearing at the Neighborhood Empowerment Center, 600 W. Maple St., regarding the proposed Amendment #1, at which thirteen members of the public spoke; and

WHEREAS, the Planning Board also received public comments at its regular meeting held June 7, 2016 and its special meeting held June 21, 2016, and

WHEREAS, at the special meeting on June 21, 2016, the Planning Board took into consideration the testimony presented at said public meetings, and voted 5 to 2 to approve Amendment #1 to the Design Lansing Comprehensive Plan, and to recommend its adoption by the Lansing City Council; and

WHEREAS, on Monday, \_\_\_\_\_, the Lansing City Council held a duly noticed public hearing to hear comments regarding the Amend #1 proposal; and

WHEREAS, the Committee on Development and Planning has reviewed the proposed Amendment #1, and the recommendations of both the Parks and Planning Boards, and concurs therewith;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby amends the Property as listed in Resolution #0145 of 1981 for the purpose of removing up to 4 acres of the Property, as described in Resolution #1045 of 1981, from the list of “dedicated parkland”, as recommended by the Parks Board.

BE IT FINALLY RESOLVED, that the Lansing City Council hereby adopts the Design Lansing Amendment #1 as described above, and changes the Future Land Use designation of the eastern portion of Scott Park, particularly described as:

Lots 13 thru 17 inclusive except the Easterly 4 feet of Lot 13 and the Westerly 33 feet of Lot 17, ALSO except an area of land lying between the water’s edge of the Grand River and a line 25 feet Northerly thereof, all in Block 177 of the Original Plat of the Town of Michigan now the City of Lansing, as recorded in plats, Ingham County Records, Ingham County, Michigan,  
from “Open Space – Dedicated Park” to “Open Space – Quasi-Public / Utility” to accommodate the proposed Central Substation.

BY THE COMMITTEE ON GENERAL SERVICES  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Summer Schriner of 509 E. Grand River Avenue in Lansing, MI, 48906, as a Neighborhood Representative to the Downtown Lansing Inc. Board for a term to expire June 30, 2017.; and

WHEREAS, the nominee has been vetted and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on General Service met on August 22, 2016 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Summer Schriner of 509 E. Grand River Avenue in Lansing, MI, 48906, as a Neighborhood Representative to the Downtown Lansing Inc. Board for a term to expire June 30, 2017.

BY THE COMMITTEE ON GENERAL SERVICES  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Christine Zarkovich of 10668 Williams Road, DeWitt, MI, 48820, as a Business Representative to the Downtown Lansing Inc. Board for a term to expire June 30, 2018; and

WHEREAS, the nominee has been vetted and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on General Services met on August 17, 2016 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Christine Zarkovich of 10668 Williams Road, DeWitt, MI, 48820, as a Business Representative to the Downtown Lansing Inc. Board for a term to expire June 30, 2018.

BY THE COMMITTEE ON GENERAL SERVICES  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Nancy Moans sought to eliminate a special assessment of \$1,892.00 for trash and debris removal fees, and all associated penalties and interest, on the property tax bill for 1833 Osband Avenue (Tax ID #33-01-01-21-361-051); and

WHEREAS, upon filing a claim to the Committee on General Services, the claim in the total amount of \$1,892.00 was denied on August 17, 2016.

NOW, BE IT RESOLVED, that the City Council, hereby, denies the claim of Nancy Moans in the amount of \$1,892.00 for trash and debris removal fees and all associated penalties and interest on the property tax bill for 1833 Osband Avenue, (Tax ID #33-01-01-21-361-051).

BE IT FURTHER RESOLVED, that the City Attorney shall take the appropriate steps to process this claim.

BY THE COMMITTEE ON GENERAL SERVICES  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Genesee Neighborhood Association and Tech T. LLC has requested \$500.00 to defray costs associated with the rental of the City park for the Pokemon Go Cookout to be held August 21, 2016; and

WHEREAS, the Committee on General Services met on August 17, 2016 and reviewed the request; and

WHEREAS, the maximum total amount of the Community Funding Account to be awarded to an organization in one fiscal year is \$500.00.

NOW BE IT RESOLVED that the Lansing City Council, hereby approves an allocation from Community Funding Account to the Genesee Neighborhood Association and Tech T. LLC in the requested amount of \$500.00 to defray costs associated with the rental of the City Park for the Pokemon Go Cookout to be held August 21, 2016.

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the funds available in the Council Community Promotion Account – 101.112101.741289.0.

BE IT FINALLY RESOLVED that the Genesee Neighborhood Association and Tech T. LLC shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended and residual funds to the Lansing City Council within 60 days after the event.

BY THE COMMITTEE ON WAYS AND MEANS  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing (“City”) has established the City of Lansing Defined Contribution Plan and related trust (collectively referred to as the “Plan”) for the benefit of employees of the City; and

WHEREAS, as a result of, and subsequent to, the recent Plan restatement, clarification between Trustee and Special Trustee, as well as an update of the of Plan Trustee address, is needed in section 1.3(f) of the Plan; and

WHEREAS, the 54-A District Court is an Adopting Employer of the Defined Contribution Plan;

NOW, THEREFORE BE IT RESOLVED that the First Amendment to the City of Lansing Defined Contribution Plan is hereby adopted.

BE IT FURTHER RESOLVED that William Barkyoub, Chairperson of the Defined Contribution Governing Committee, is hereby authorized to execute the First Amendment to the City of Lansing Defined Contribution Plan.



BY COUNCIL MEMBERS BROWN CLARKE, DUNBAR, HOUGHTON, HUSSAIN, SPITZLEY, WASHINGTON, WOOD, AND YORKO

WHEREAS, Line 5 is a set of twin, 62-year-old pipelines owned by Enbridge that carry light crude oil and natural gas under the Straits of Mackinac; and

WHEREAS, the currents in the Straits of Mackinac at peak volumetric transport can be more than 10 times greater than the flow of Niagara Falls and switch bi-directionally from east to west every few days, and according to a 2014 University of Michigan study are the “worst possible place” for an oil spill in the Great Lakes; and

WHEREAS, the Great Lakes contain 20 percent of the world’s fresh, available, surface water and are a drinking water source for over 35 million people; and

WHEREAS, one out of every five jobs in Michigan is linked to the high quality and quantity of fresh water in the Great Lakes; and

WHEREAS, tourism is one of Michigan’s largest income industries bringing in billions of travelers dollars spent each year; and

WHEREAS, agriculture, fisheries, shipping and industry depend on the health of the Great Lakes; and

WHEREAS, in 2009 the Great Lakes were linked to over 1.5 million jobs, with Michigan accounting for 35 percent of those jobs; and

WHEREAS, Enbridge has a shaky track record that includes 1,244 reportable spills, leaks and releases from 1996 to 2013; and

WHEREAS, Enbridge was in violation for their spacing requirements of its 1953 easement for Line 5 in 2014 and were responsible for a pinhole leak in a section of the pipeline north of the Straits in December 2014; and

WHEREAS, Enbridge was responsible for one of the worst and most expensive oils spills in U.S. history when Line 6b ruptured near Kalamazoo in 2010 allowing almost 1 million gallons of tar sands oil to leak for 17 hours before shutting down the line; and

WHEREAS, corrosion is the number one reason that pipelines fail; and

WHEREAS, Line 5 was built before the Great Lakes Submerged Lands Act was adopted so it didn’t have to obtain a permit and ensure that the pipeline wouldn’t pose a threat to the waters or the public’s use of the waters; and

WHEREAS, Michigan’s Attorney General Bill Schuette has stated (in regards to Line 5) that the “pipeline wouldn’t be built today” and that “the pipeline’s days are numbered”; and

WHEREAS, the Coast Guard Commandant testified before congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the heart of the Great Lakes; and

WHEREAS, there is no plan for how to recover oil if there was a leak during the winter when the lakes are covered with ice; and

WHEREAS, as Michiganders we have a responsibility to be wise stewards of the waters of our state for generations to come; and

WHEREAS, protection of Michigan's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restore degraded environments after the fact;

NOW, THEREFORE, BE IT RESOLVED, that on the 8<sup>TH</sup> day of August , 2016, the City of Lansing supports stopping the transportation of oil under the Great Lakes; and

BE IT FURTHER RESOLVED, that City of Lansing supports shutting down Line 5 and the flow of oil under the Great Lakes, and

BE IT FURTHER RESOLVED, that City of Lansing supports H.R. 182 and C.R. 15 introduced by State Representatives Sarah Roberts and Jeff Irwin calling on Governor Rick Snyder and Attorney General Bill Schuette to shut down Line 5, and

AND BE IT FURTHER RESOLVED that the City of Lansing will send a letter to Governor Rick Snyder, Attorney General Bill Schuette, our State Representatives, State Senators and U.S. Senators calling on them to take swift action to shut down Line 5.

PASSED, APPROVED, AND EFFECTIVE on this \_\_\_\_ day of \_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council President



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## Chris Swope

### Lansing City Clerk

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August 19, 2016

Members of the Lansing City Council  
10th Floor City Hall  
Lansing, MI 48933

Dear Councilmembers:

The Minutes from the Meetings of the following Boards, Commissions, and Authorities of the City of Lansing were placed on file in the City Clerk's Office and are available for review in the City Clerk's Office and on the City Clerk's website ([www.lansingmi.gov/clerk](http://www.lansingmi.gov/clerk)) under the heading of "Documents Placed on File."

**BOARD NAME**

**DATE OF MEETING**

Board of Trustee City of Lansing  
Police and Fire Retirement System

June 21, 2016  
July 19, 2016

Employees' Retirement System

June 16, 2016

If my staff or I can provide further assistance or information relative to the filing of these minutes, please contact us at 483-4131.

Sincerely,

Chris Swope, CMC, CMMC  
Lansing City Clerk

THIS ITEM NOT AVAILABLE AT TIME OF PRINT



**OFFICE OF THE MAYOR**

9th Floor, City Hall  
124 W. Michigan Avenue  
Lansing, Michigan 48933-1694  
(517) 483-4141 (voice)  
(517) 483-4479 (TDD)  
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers  
FROM: Mayor Virg Bernero  
DATE: 8-18-16  
RE: Act-4-2016, 1200 Block of Turner Street - Alley Vacation

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The attached correspondence is forwarded for your review and appropriate action.

VB/rh  
Attachment



**City of Lansing**  
**Inter-Departmental**  
**Memorandum**



To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM  
Act-4-2016, 1200 Block of Turner Street - Alley Vacation

Date: August 10, 2016

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At its August 3, 2016 meeting, the Planning Board voted 7-0 to recommend approval of Act-4-2016. This is a request by Clare Lindemann to vacate the “L”-shaped alley adjacent to 1224 Turner Street, reserving easements for utilities and access in two phases:

1. Vacate the alley and the north 50’ of the N-S alley as requested in the application, reserving easements for access and for overhead and underground utilities,
2. Vacate the remainder of the alley, reserving the easements, to be completed after a shared driveway agreement is created in recordable form and subject to Public Service Department review and approval.

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

**Attachments**

“Equal Opportunity Employer”

RESOLUTION # \_\_\_\_\_

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

**Act-4-2016, Turner Alley Vacation, Phase I**

WHEREAS, Mr. Clair Lindemann has requested vacation of the entire east-west (E-W) alley, ten (10) feet in width, and the north fifty (50) feet of the north-south (N-S) alley, twelve (12) feet in width, behind his property at 1224 Turner Street; and

WHEREAS, the alley is shaped like an inverted “L”, beginning in the 1200 Block of Turner Street, eastward between buildings, then south behind buildings facing Turner Street; and

WHEREAS, the subject alley was originally a deeded alley, and in 1929, was incorporated in Assessor’s Plat No. 31; and

WHEREAS, the north-south alley contains a public sanitary sewer and overhead utilities for which easements are required; and

WHEREAS, at its meeting on August 3, 2016, the Planning Board found, based on a review of the location, character, and extent of the Act-4-2016 proposal, that:

- tight spaces, utility poles, and parked cars from several businesses render the alley unsuitable for traffic use,
- the alley has been difficult to maintain, and Mr. Lindemann has invested in improving the alley; and

WHEREAS, the Planning Board voted unanimously (7-0) to recommend approval of Act-4-2016, the vacation of the entire “L”-shaped alley, reserving easements for utilities and access, in two phases:

Phase 1: vacate the E-W alley and the north 50’ of the N-S alley as requested, reserving easements for access and for overhead and underground utilities,

Phase 2: vacate the remainder of the alley, reserving the easements, to be completed after a shared driveway agreement is created in recordable form and subject to Public Service Department review and approval; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves Act-4-2016 (Phase 1), and vacates the subject E-W alley and the north 50’ of the N-S alley as requested, particularly described as:

Beginning at the NW corner of Lot 11 in Assessor’s Plat No. 31 of Block 6 Original Plat, City of Lansing, Ingham County, Michigan; thence E 80 feet to the NE corner; thence S 40 feet to the SE corner of said Lot 11; thence E 12 feet; thence N 50 feet to the NW corner of Lot 17; thence W 92 feet along the north alley line to Turner Street; thence S 10 feet along the east line of Turner Street to the POB,

**[29001:2:20160810:093517]**

but reserving, however, unto the City of Lansing an easement under, across, above, and within the right of said vacated alley for utility purposes, including the right of ingress and egress at all times for public or private utility agents and employees to use the vacated street, or so much of it as may be necessary, for the installation, maintenance, repair, or removal of utilities.

BE IT FURTHER RESOLVED, that the City Council consider Phase 2 of the Planning Board recommendation at a later date.

BE IT FINALLY RESOLVED, that the City Clerk within 30 days of passage of the resolution shall forward certified copies of the resolution to the Ingham County Register of Deeds for recording and upon return, transmit a copy of the recorded resolution to the Michigan Department of Labor and Economic Growth, Subdivision Control Unit, the Planning and Development and Assessor's Offices, the Department of Public Service, and the applicant.





## **INGHAM COUNTY/CITY OF LANSING COMMUNITY CORRECTIONS ADVISORY BOARD**

**MARY E. SABAJ**  
CCAB Manager

**JAMES WEBSTER**  
CCAB Staff Consultant

**HON. CLINTON CANADY**  
30<sup>th</sup> Judicial Circuit  
Criminal Division  
CHAIRPERSON

**MAJOR SAM DAVIS**  
Ingham Co. Sheriff's Office  
VICE CHAIRPERSON

**CAROL KOENIG**  
FINANCIAL OFFICER  
Ingham County  
Board of Commissioners

**LISA MCCORMICK**  
SECRETARY  
Ingham Co. Prosecutor's Office

**HON. JANELLE A. LAWLESS**  
30<sup>th</sup> Judicial Court  
Family Division

**HON. FRANK DELUCA**  
54-A District Court

**PATRICIA SPITZLEY**  
Lansing City Council

**VACANT**  
Adult Probation Supervisor

**MICK S. GREWAL**  
Criminal Defense Attorney

**LT. TRACI RUIZ**  
Lansing Police Department

**VACANT**  
Business Community

**TIM BARRON**  
Communications  
Media

**MONICA JAHNER**  
Community Alternative Program

**VACANT**  
Workforce Development

August 9, 2016

Chris Swope  
City Clerk  
9<sup>th</sup> Floor  
124 W. Michigan Ave.  
Lansing, MI 48933

Dear Mr. Swope,

On behalf of the Ingham County/City of Lansing Community Corrections Advisory Board (CCAB), I respectfully request that the Lansing City Council consider and approve the 2016-2017 State of Michigan - Office of Community Corrections Funding Application. This application provides State funding for administration, community treatment and services programming and community residential facility treatment services for the local offender population.

The Application was approved by the Ingham County Board of Commissioners on June 28, 2016. I have included a copy of Resolution #16-314 for your reference.

Thank you.

Mary Sabaj, J.D.  
CCAB Manager

Introduced by the Law & Courts and Finance Committees of the:

**INGHAM COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND ENTERING INTO A CONTRACT WITH THE MICHIGAN DEPARTMENT OF CORRECTIONS FOR INGHAM COUNTY/CITY OF LANSING COMMUNITY CORRECTIONS AND ENTERING INTO PROGRAM SUBCONTRACTS FOR FY 2016-2017**

**RESOLUTION # 16 – 314**

WHEREAS, the State Community Corrections Advisory Board, the Ingham County Board of Commissioners, and the City of Lansing approved the original Ingham County/City of Lansing Community Corrections Comprehensive Plan in 1991; and

WHEREAS, the State Community Corrections Advisory Board approved the Funding Application and Plan for FY 2016-2017; and

WHEREAS, the FY 2016-2017 Application provides for the continuation of the following CCAB Plans and Services programming: Relapse Prevention and Recovery (\$47,200) to be provided by C-E-I CMH; Gatekeeper services (\$4,069) to be provided by the CCAB Staff Consultant; MRT Cognitive Change Groups (\$26,082) to be provided by Wellness, Inc.; Day Reporting services (\$48,328) to be provided by Northwest Initiative – ARRO; and, Sentinel, Inc. Electronic Monitoring Services for Pretrial defendants (\$10,134) for a subcontract program total of \$135,813; and

WHEREAS, the FY 2016-2017 Application also provides funding for a special part-time Pretrial Services Investigator (\$25,683) to enhance the community supervision capacity of 30<sup>th</sup> Circuit Court Pretrial Services and for CCAB Administration in the amount of \$50,422 for a Plans and Services total of \$211,918 for the time period of October 1, 2016 through September 30, 2017; and

WHEREAS, the FY 2016-2017 grant award provides Ingham County with the use of a projected 30 residential beds with M.D.O.C. contracting directly with residential providers rather than with local jurisdictions for a projected value of \$531,075 and another 1.23 beds per day funded with Drunk Driver Jail Reduction – Community Treatment Program (DDJR-CTP) grant funds in the amount of \$21,169; and

WHEREAS, pursuant to the FY 2016-2017 Application, residential services will be provided by Community Programs, Inc., Pine Rest Christian Mental Health Services, Kalamazoo Probation Enhancement Program, Inc. and CEI-CMH House of Commons; and

WHEREAS, pursuant to the FY 2016-2017 grant award, the County may enter into subcontracts for the purpose of implementing Plans and Services programs and services identified in the Community Corrections Plan and Application; and

WHEREAS, the Subcontractors for Plans and Services programming are willing and able to provide the services that the County requires.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners authorizes entering into an Agreement with the Michigan Department of Corrections for Ingham County/City of Lansing Community Corrections FY 2015-2016 in the amount of \$211,918 in CCAB Plans and Services and Administration funds, \$21,169 in Drunk Driving Jail Reduction and Community Treatment Program funds for a total of \$233,087 and for the use of an estimated 30 residential beds per day for a value amounting to \$531,075 for the time period of October 1, 2016 through September 30, 2017.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners authorizes entering into subcontracts for CCAB Plans and Services programming from October 1, 2016 through September 30, 2017 with Wellness, Inc. for the actual cost of MRT Cognitive Change groups not to exceed \$26,082; with CEI Community Mental Health for the actual cost of Relapse Prevention and Recovery services not to exceed \$47,200; with Northwest Initiative - ARRO for the actual cost of Day Reporting services not to exceed \$48,328; and with Sentinel, Inc. for the actual cost of electronic monitoring services for Pretrial defendants not to exceed \$10,134.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners authorizes the continued funding of a special part-time (19 hours per week) Pretrial Services Investigator position at the ICEA PRO06 salary grade not to exceed \$25,683.

BE IT FURTHER RESOLVED, that entering into the subcontracts and maintaining the Pretrial Services Investigator position are contingent upon entering into the Agreement with the State.

BE IT FURTHER RESOLVED, that the subcontracts and Pretrial Services Investigator position are contingent throughout the subcontract period on the availability of grant funds from the State of Michigan for these purposes.

BE IT FURTHER RESOLVED, that the Board Chairperson is authorized to sign any necessary contracts\subcontracts consistent with this resolution subject to approval as to form by the County Attorney.

**LAW & COURTS: Yeas:** Crenshaw, Celentino, Anthony, Banas, Maiville

**Nays:** None **Absent:** Tsernoglou, Schafer **Approved 6/16/2016**

**FINANCE: Yeas:** Bahar-Cook, Tennis, McGrain, Crenshaw, Schafer

**Nays:** None **Absent:** Anthony, Case Naeyaert **Approved 6/22/2016**



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN LIQUOR CONTROL COMMISSION  
ANDREW J. DELONEY  
CHAIRMAN

Shelly Edgerton  
DIRECTOR

August 12, 2016

City Clerk  
Lansing City  
city.clerk@lansingmi.gov

The purpose of this letter is to notify this local legislative body that the Michigan Liquor Control Commission has received an application for a license, as follows:

**Request ID#: 852667**

**Transfer ownership of Class C License and new SDM license**

**Name of applicant(s): Cur, LLC**

**Business address and phone: 637 E Michigan Ave, Lansing MI 48912, Ingham County**

**Home address and phone number of partner(s)/subordinates:**

Patrick Gillespie, 330 Marshall St, Ste 100, Lansing MI 48912

Under administrative rule R 436.1105, the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business when determining whether an applicant may be issued a license or permit. Since this request is a transfer under MCL 436.1529(1), approval of the local unit of government is not required.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. The licensee must obtain all other required state and local licenses, permits, and approvals before using this license for the sale of alcoholic liquor.

Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements.

MICHIGAN LIQUOR CONTROL COMMISSION  
Retail Licensing Division  
(866) 813-0011



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LIQUOR CONTROL COMMISSION  
ANDREW J. DELONEY  
CHAIRPERSON

Shelly Edgerton  
DIRECTOR

August 11, 2016

City Clerk  
Lansing City  
[city.clerk@lansingmi.gov](mailto:city.clerk@lansingmi.gov)

The purpose of this letter is to notify this local legislative body that the Michigan Liquor Control Commission has received an application for a license, as follows:

**Request ID#:** 846982

**New Class C License Issued Under MCL 436.1521(A)(1)(B), Non-Transferable,  
Downtown Development Authority License**

**Name of applicant(s):** Urbanbeat Event Center, Inc.

**Business address and phone:** 1217 Turner St. Lansing, MI 48906

**Home address and phone number of partner(s)/subordinates:**

1. John Szykiel: 6040 Stoney Pt Dr. Lansing MI 48917 B-(517) 230-3716 C-(517) 230-3716
2. Tom Szykiel: 6040 Stoney Pt Dr. Lansing MI 48917 B-(517) 420-5705 C-(517) 420-5705
3. Terry N. Terry: 6204 Coleman Rd. East Lansing, MI 48823 B-(517) 482-3333 C-(517) 281-1111

Under administrative rule R 436.1105, the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business when determining whether an applicant may be issued a license or permit.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. The licensee must obtain all other required state and local licenses, permits, and approvals before using this license for the sale of alcoholic liquor.

Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements.

JE

MICHIGAN LIQUOR CONTROL COMMISSION  
Retail Licensing Division  
(866) 813-0011